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Report on the use of the commitment authority and request for a subvention to the Residual Special Court for Sierra Leone

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 72/262 A of 24 December 2017, by which the Assembly, inter alia, authorized the Secretary-General to enter into commitments in an amount not to exceed $2.3 million to supplement the voluntary financial resources of the Residual Special Court for Sierra Leone for the period from 1 January to 31 December 2018 as a bridging financial mechanism, and requested him to report, during the main part of the seventy-third session of the General Assembly, on the use of the commitment authority and on the modalities for the future support of the International Residual Mechanism for Criminal Tribunals to the Residual Special Court. The report addresses the use of the commitment authority and contains a request for a subvention of $2,984,600 to enable the Court to continue to carry out its mandate in 2019.

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I. Introduction

1. Pursuant to article 3 of the Agreement between the United Nations and the Government of Sierra Leone on the establishment of a Residual Special Court for Sierra Leone, the expenses of the Court shall be borne by voluntary contributions from the international community, and the parties and the Oversight Committee may explore alternative means of funding the Court. That funding arrangement has posed serious challenges to the continued sustainability of the Court, thereby threatening the effective implementation of its mandate. Since 2015, the Court has not received sufficient voluntary contributions for its operations and has had to rely on subventions from the regular budget of the United Nations.

2. In his letter dated 25 July 2017 (S/2017/665), the Secretary-General informed the Security Council that there would not be sufficient voluntary contributions for the continuation of the work of the Residual Special Court beyond 2017. He expressed his intention to propose to the General Assembly that the costs of the Court for the biennium 2018-2019 be provided through a subvention under the programme budget.

3. In his reply dated 1 August 2017 (S/2017/666), the President of the Security Council informed the Secretary-General that the members of the Council had taken note of the intention expressed in the letter of 25 July.

4. The Secretary-General submitted a request to the General Assembly for a subvention for the Residual Special Court in the amount of $5,931,800 for the period from 1 January 2018 to 31 December 2019. Having considered the report of the Secretary-General (A/72/384) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/72/7/Add.20), by its resolution 72/262 A of 24 December 2017, the Assembly authorized the Secretary-General to enter into commitments in an amount not to exceed $2.3 million to supplement the voluntary financial resources of the Court for the period 1 January to 31 December 2018 as a bridging financial mechanism. The Assembly also endorsed the conclusions and recommendations of the Advisory Committee and requested the Secretary-General to ensure that the International Residual Mechanism for Criminal Tribunals continued to provide logistical and administrative support to the Residual Special Court, on a cost -reimbursable basis, as appropriate, without prejudice to the mandate of either entity. The Assembly also encouraged all Member States to provide voluntary support to the Court. In addition, the General Assembly expressed serious concern over the adverse financial situation facing the Court and, in that regard, requested the Secretary-General to redouble his efforts to seek voluntary contributions, including through broadening the donor base and holding regular consultations with the key stakeholders. The Assembly also requested the Secretary-General to report during the main part of the seventy-third session on the use of the commitment authority, on the modalities for future support of the International Residual Mechanism for Criminal Tribunals for the Court, and on the efforts to seek voluntary contributions.

5. At the time of the drafting of the present report, the only contributions received by the Residual Special Court since October 2017 amounted to $14,900. There are currently no additional pledges or prospects for voluntary contributions from Member States, despite the intensified efforts of the Secretary-General, the Government of Sierra Leone, members of the Oversight Committee and the principal officials of the Court to raise voluntary contributions. Therefore, the Court will not have sufficient funds from voluntary contributions to continue its operations in 2019, whereas the Court's requirements for the period from 1 January to 31 December 2019 amount to $2,984,600. It should be noted that the projected expenditures for 2018 in the amount of $2,300,000 do not include expenditures for any possible judicial activities that may arise during the remaining months of 2018.

II. Historical background

6. The Residual Special Court was established by the Agreement between the United Nations and the Government of Sierra Leone on the establishment of a Residual Special Court for Sierra Leone, concluded in August 2010, with the concurrence of the Security Council. The mandate of the Court is to perform essential residual functions of the Special Court for Sierra Leone. The Special Court for Sierra Leone was established by an agreement concluded in 2002 pursuant to Security Council resolution 1315 (2000), in which the Council mandated the Secretary-General to negotiate an agreement with the Government of Sierra Leone to create an independent special court with the primary objective of prosecuting persons who bore the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law, committed within the territory of Sierra Leone. The Special Court for Sierra Leone indicted 13 individuals. Three of those indicted have died and one remains at large. The other nine individuals, including Charles Ghankay Taylor, the former President of Liberia, have been convicted and sentenced to terms of imprisonment ranging from 15 to 52 years.

7. After completing its mandate, the Special Court for Sierra Leone closed on 31 December 2013 and passed on its residual functions to the Residual Special Court. Those important and ongoing functions include: supervising the enforcement of sentences; reviewing convictions and acquittals; conducting contempt of court proceedings or referring them to national jurisdictions; providing witness and victim protection and support; maintaining, preserving and managing the archives of the Special Court for Sierra Leone and the archives of the Residual Special Court itself; responding to requests from national authorities for access to evidence and to claims for compensation; providing defence counsel and legal aid for the conduct of proceedings before the Residual Special Court; and preventing double jeopardy by monitoring national proceedings. In addition, the Court has the power to prosecute the remaining fugitive, Johnny Paul Koroma, should he be alive and if his case is not referred to a competent national jurisdiction.

8. The Residual Special Court commenced operations on 1 January 2014. It has an interim seat in The Hague, with a sub-office in Freetown for witness protection and support and the coordination of defence issues. In accordance with article 6 of the Agreement between the United Nations and the Government of Sierra Leone, the present arrangement regarding the location of the Court will remain in effect until such time as the United Nations and the Government of Sierra Leone agree otherwise.

III. Progress to date

A. Structure and systems of the Residual Special Court for Sierra Leone

9. At the fourth plenary meeting of the judges of the Residual Special Court, held from 15 to 17 December 2017, certain amendments to the Rules of Procedure and Evidence were adopted. For example, rules 120 to 122 relating to review proceedings were amended. Those rules set out procedures for the review of judgments, should the convicted person or the Prosecutor wish to present new facts or new evidence, not known at the time of the trial, but which may have been a decisive factor in reaching a particular judgment. Those provisions had not been amended since the inception of the Special Court for Sierra Leone in 2003 and needed to be adapted to the new context and institutional structure of the Residual Special Court, which relies solely

on judges who are on a roster, who are called upon to perform functions only when necessary. The respective roles of the President and the judges were streamlined and clarified in the light of the residual nature of the Court. In addition, a working group of judges provided an update to the plenary meeting on progress made in drafting a code of professional ethics and conduct for the judges.

10. The Residual Special Court also completed consultations on the review of its Rules Governing the Detention of Persons Awaiting Trial or Appeal or in Custody under the Supervision of the Residual Special Court. Those rules are intended to replace the Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Special Court for Sierra Leone or Otherwise Detained on the Authority of the Special Court for Sierra Leone, which were last amended on 14 May 2005. The rules address the specific aspect of supervision by the Residual Special Court of the conditions of sentence enforcement for convicted persons pursuant to article 23 (2) of the Statute of the Residual Special Court. The Court is taking stock of the amended United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), adopted by the General Assembly on 17 December 2015 (see resolution 70/175, annex). The amended Rules are in the process of being finalized and promulgated by the Registrar. That process is expected to be completed in December 2018.

B. Activities of the Residual Special Court

11. The Court remembered the former Prosecutor of the Special Court for Sierra Leone, Desmond da Silva, who passed away on 2 June 2018. Mr. da Silva was the first Deputy Prosecutor at the Special Court for Sierra Leone. He succeeded David M. Crane as Prosecutor in 2005. Among his significant achievements were the successful negotiation of the transfer of Charles Ghankay Taylor to the Special Court for Sierra Leone and playing a key role in arranging for Mr. Taylor's trial in The Hague.

12. The Residual Special Court continues to carry out the ongoing residual functions of the Special Court for Sierra Leone. Those include supporting witness protection, supervising the enforcement of sentences and the monitoring of conditional early release, responding to requests for information and evidence from national prosecuting authorities, and the management and preservation of archives. In addition, the Court conducts ad hoc proceedings from time to time. The following sections provide an overview of those activities.

1. Protection of victims and witnesses

13. Pursuant to article 18 of the Statute of the Residual Special Court, the Witnesses and Victims Protection and Support Office continues to actively monitor and provide support to over 100 witnesses in Sierra Leone, as well as to witnesses located outside Sierra Leone, and maintains updated information on witnesses through regular contact. Elections in Liberia and Sierra Leone in October 2017 and March 2018, respectively, increased security concerns for some witnesses, thus requiring more proactive interventions on their behalf. Since March 2018, a team of civil society and Court staff in Freetown have been monitoring the impact of elections in Sierra Leone and Liberia on the safety and security of witnesses in both countries. In May 2018, a witness expert was hired on a short-term basis to provide leadership and expert services in monitoring the situation of witnesses. In addition, several outreach and witness protection missions were undertaken during the election period. Meanwhile, the Office continues to implement protective measures such as relocation, and to provide welfare and medical assistance, including for surgery, to vulnerable

witnesses, as appropriate. In addition, the Office continues to maintain contact with relevant authorities and agencies that provide support to witnesses.

2. Judicial and administrative proceedings

14. The Residual Special Court continues to hold various judicial and administrative proceedings, including to consider conditional early release applications.

15. Following the granting of his application for conditional early release by the President of the Residual Special Court on 29 May 2017, Allieu Musa Kondewa, the former Initiator and High Priest for the Civil Defence Forces militia, underwent a 10-month training programme on, inter alia, human rights and correct behaviour as a citizen of Sierra Leone. On 13 March 2018, the Registrar applied for a three-month extension to allow Mr. Kondewa to complete his training. After consultation with the Prosecution and the Defence, the President granted the requested extension on 22 March 2018. Following certification by the Registrar of his successful training, on 6 June 2018, Mr. Kondewa reiterated his public apology for his wrongful conduct, acknowledged his guilt and expressed remorse for all the suffering caused. He also urged all Sierra Leoneans to continue to promote peace and reconciliation. On 8 July 2018, he was released to serve the remainder of his sentence in his community, under the supervision of the local police. That was the second time that a war crimes convict of the Special Court for Sierra Leone had been granted supervised conditional early release, subject to strict conditions.

16. The former Director of War for the Civil Defence Forces militia, Moinina Fofana, was the first person convicted by the Special Court for Sierra Leone to be granted conditional early release, in August 2014. He was not released, however, until March 2015, at which point he returned to Sierra Leone to live in the community subject to restrictions until the end of his full 15-year sentence, in May 2018. Mr. Fofana was also the first person convicted of war crimes by the Special Court to complete his sentence. The conditional early release facilitated his reintegration into the community and helped to mitigate the risk of recidivism and reprisals against witnesses.

17. One person indicted by the Special Court for Sierra Leone, Johnny Paul Koroma, has been at large and his status remains unclear. Although it has been indicated during trial testimony he may be deceased, stories circulate periodically that he may still be alive. None of those stories have, however, been substantiated. In September 2017, the Prosecution Legal Adviser/Evidence Officer travelled to Freetown for one week to represent the Prosecutor on special projects relating to her mandate regarding Mr. Koroma. In May 2018, the Prosecutor, Brenda Hollis, travelled to Freetown and met with the newly appointed Attorney General to follow up on matters pertaining to Mr. Koroma.

3. Supervision of sentence enforcement

18. Pursuant to article 25 of its Statute, the Residual Special Court is responsible for supervising the enforcement of sentences for persons convicted by the Special Court for Sierra Leone. With the conditional early release of Mr. Kondewa in July 2018, the Court currently has six convicts in custody, one, Mr. Taylor, in the United Kingdom of Great Britain and Northern Ireland, and five in Rwanda.

19. The Office of the Registrar and the Defence Office continue to maintain close contact with authorities in the United Kingdom and Rwanda regarding sentence enforcement, including in relation to family visits (arranged with assistance from the Residual Special Court), conditions of imprisonment and the provision of legal assistance.

20. The Principal Defender of the Residual Special Court assigned pro bono counsel to Morris Kallon, at his request, and additional pro bono counsel to Mr. Taylor, at his request. In addition, the Principal Defender met with Mr. Taylor in the United Kingdom in April 2018 to address legal matters.

21. Independent monitoring authorities also continue to carry out annual assessments of the conditions of imprisonment of individuals convicted by the Special Court for Sierra Leone. On 19 August 2017, the International Committee of the Red Cross submitted a confidential report on the conditions of imprisonment of convicts in Mpanga Prison, in Rwanda, following an inspection visit there on 23 May 2017. The International Committee of the Red Cross reported that, in general, conditions were satisfactory.

22. With respect to Mr. Fofana, prior to the completion of his full sentence in May 2018 and during the period of his conditional early release, the Defence Office submitted requests concerning his travel to other regions of the country in order to facilitate his livelihood and to address family matters. The Registrar considered those requests and, when conditions were met, issued written authorizations, subject to ongoing supervision. During that period, the outcome of all spot checks conducted to ensure that Mr. Fofana was complying with the conditions imposed upon him was satisfactory.

23. At the request of authorities in the United Kingdom, the Registrar provided clarification and her input into matters raised by Mr. Taylor's counsel regarding family visits and his detention in the United Kingdom. Legal challenges in relation to those issues are anticipated to occur before the end of the 2018, thereby requiring additional funding for associated judicial activities.

4. Assistance to national authorities and State cooperation

24. The Residual Special Court has continued to receive and respond to requests for assistance from national authorities. Since the inception of the Residual Special Court, at least 27 such requests, including 5 since September 2017, have received full responses through the Registry and the Office of the Prosecutor. The requests have been for information on individuals accused of involvement in war-related crimes during the conflicts in Sierra Leone and Liberia, who now reside in the jurisdictions of the requesting authority under asylum or other status.

25. In addition, in September 2017, the Residual Special Court received requests for State cooperation in interviewing five convicts in relation to national proceedings. Those requests involved the taking of testimony of convicts in the custody of the Court face-to-face and via videoconference, as well as having access to certain witnesses and public records. The Court provided full support to the requesting State, consistent with its mandate.

26. On 15 December 2017, on the basis of the submissions of the parties, the President of the Residual Special Court authorized interviews with the convicts who had accepted to testify under conditions acceptable to the requesting State and the Court. The Office of the Registrar facilitated contacts between national authorities and Rwandan authorities in order to organize the interviews. The interviews took place in Rwanda in February 2018, in the presence of the convicts' counsel and the Principal Defender. The national authorities confirmed their satisfaction with the support provided by the Residual Special Court.

27. In addition, the Registry and the Office of the Prosecutor received and responded to requests for information or assistance from researchers engaged in academic and media projects.

5. Maintenance of archives and court management

28. The maintenance of the archives of the Special Court for Sierra Leone and the Residual Special Court is ongoing. The original archives continue to be maintained at the Dutch National Archives in The Hague. Archivists continue to work to complete the archiving of all documents and data of the Special Court for Sierra Leone. Compilation and final review of a comprehensive archive index are expected to be completed by March 2019. The physical archives of the Residual Special Court occupy approximately 600 linear metres of paper records, and the digital archives occupy approximately 13.4 terabytes.

6. Legacy and outreach

29. The preservation of the legacy of the Special Court for Sierra Leone is an important element of the work of the Residual Special Court, which also seeks to contribute to the development of international criminal justice. In that regard, the judges of the Residual Special Court continue to participate in activities to promote the legacy of the Special Court for Sierra Leone and to increase the profile of the Residual Special Court. The judges do so at no cost to the Residual Special Court. Their firm commitment and desire to cement the legacy of the Special Court for Sierra Leone was discussed during the fourth plenary meeting of the judges in December 2017.

30. Since September 2017, the judges of the Residual Special Court have undertaken several outreach activities, including the following:

(a) A presentation on the Special Court for Sierra Leone by Justice Elizabeth Nahamya at a conference of the Commonwealth Magistrates and Judges Association, held in Dar-es-Salaam, Tanzania, in September 2017;

(b) The representation of the Residual Special Court by Justice Emmanuel Roberts and the Principal Defender at a conference on legal aid, held in Tbilisi in September 2017;

(c) Speeches and lectures delivered by Justice Shireen Fisher:

(i) As a guest speaker at the first ceremonial assembly of the association of judges of the Court of Bosnia and Herzegovina in October 2017;

(ii) At the Law Faculty of the National University of Ireland at Maynooth in February 2018;

(d) Speeches and lectures by Justice Teresa Doherty:

(i) At a summit of judges and prosecutors to discuss human trafficking and organized crime, held at the Vatican in October 2017;

(ii) At a colloquium of judges, non-governmental organizations, lawyers and academics convened by the International Commission of Jurists, held in Geneva in November 2017;

(iii) On jurisprudential and other achievements of the Special Court for Sierra Leone, transitional justice, the reinstatement of the rule of law in post-conflict societies and international conventions and treaties and their use and application in the jurisprudence of international criminal courts and tribunals, at Queen's University, in Belfast, United Kingdom, in February 2018;

(iv) On the contribution of women judges, prosecutors and others to the development of international criminal law at a symposium on gender

representation in relation to the judges of international tribunals and courts, sponsored by the University of Oslo in February 2018;

(v) On the application of international conventions to the domestic courts of Georgia and their procedures, at the Winter School of Justice, held in Borjomi, Georgia, in February 2018;

(e) Assistance provided by Justice Andrew Haton and Justice Oagile Dingake to the judiciary of Sierra Leone in organizing training in collaboration with the UK Sierra Leone Pro Bono Network;

(f) Engagement by the President of the Residual Special Court, Justice Renate Winter, with Guatemala and Sri Lanka on child soldiers, and with Guatemala, the Marshall Islands, Palau, Seychelles, Solomon Islands and Sri Lanka on child marriage;

(g) Participation as panellists by Justice Doherty and Prosecutor Hollis at a symposium on women as agents of change in the rule of law, held at the University of South Carolina in February 2018.

31. At no cost to the Residual Special Court, the Prosecutor continues to carry out activities pertaining to prosecutorial matters concerning the legacy of the Special Court for Sierra Leone and promoting the activities of the Residual Special Court. One example of such activities was her attendance at a meeting sponsored by the International Nuremberg Principles Academy.

32. In recognition of their significant contributions to areas such as international justice, court principals were the recipients of awards and honours in 2017 and 2018. President Winter was awarded the Grand Decoration of Honour in Gold with Star for Services to the Republic of Austria. This is one of the highest honours given by the Government of Austria to distinguished nationals who have excelled in their fields. Justice Fisher, Justice Doherty and Prosecutor Hollis were also honoured by having their names included on the Gender Justice Legacy Wall, established by Women's Initiatives for Gender Justice to celebrate and honour those who have contributed to advances in the field of gender justice over the past 125 years. Those awards and honours have helped to raise the global profile of the Residual Special Court.

33. The jurisprudential legacy project of the Appeals Chamber of the Special Court for Sierra Leone has been endorsed by the plenary of judges, and it will be launched in December 2018. It will serve as an invaluable tool for jurists, researchers and the public, enabling them to access the findings of the Special Court for Sierra Leone in one place and to compare findings across multiple cases.

34. In the same vein, the Office of the Registrar carried out its review of the procedural practice of the Special Court over the reporting period with a view to compiling an online case law database. However, the project has been put on hold owing to lack of funding. The Court unsuccessfully approached a number of sponsors to secure financial assistance to move the project forward.

35. The President's fourth annual report covering the operations of the Residual Special Court in 2017 was published and distributed in May 2018.[1]

IV. Current financial situation

36. A breakdown of requirements by component and object of expenditure and funding availability is shown in tables 1 and 2 below.

[1] Available at http://www.rscsl.org/RSCSL-Documents.html.

Table 1
Requirements by component and funding availability
(United States dollars)

Component	*1 January-31 December 2018 (estimated requirements)*[a] *a*	*1 January-30 June 2018 (actual expenditure) b*	*1 July-31 December 2018 (projected expenditure) c*	*1 January-31 December 2018 (estimated expenditure)*[b] *d = (b + c)*	*1 January-31 December 2019 (estimated requirements) e*
Expenditure/requirements					
1. Chambers/judges/judicial	589 700	–	–	–	589 700
2. Office of the Prosecutor	63 000	25 035	37 965	63 000	63 000
3. Registry	2 313 200	1 121 562	1 115 438	2 237 000	2 331 900
Subtotal	**2 965 900**	**1 146 597**	**1 153 403**	**2 300 000**	**2 984 600**
Funds available					
Pledges and contributions				–	
Anticipated pledges				–	
Amount of subvention received				2 300 000	
Subtotal				**2 300 000**	–
Surplus/(shortfall)					**(2 984 600)**

Table 2
Requirements by object of expenditure and funding availability
(United States dollars)

Component	*1 January-31 December 2018 (estimated requirements)*[a] *a*	*1 January-30 June 2018 (actual expenditure) b*	*1 July-31 December 2018 (projected expenditure) c*	*1 January-31 December 2018 (estimated expenditure)*[b] *d = (b + c)*	*1 January-31 December 2019 (estimated requirements) e*
Expenditure/requirements					
Posts	1 444 200	614 276	620 424	1 234 700	1 495 900
Compensation to judges	182 500	39 892	12 908	52 800	179 500
Consultants and experts	31 500	–	31 500	31 500	31 500
Travel	300 600	83 517	32 083	115 600	288 000
Contractual services	588 900	241 400	278 800	520 200	587 700
General operating expenses	400 200	161 133	166 067	327 200	382 000
Supplies and materials	13 000	6 379	6 621	13 000	15 000
Furniture and equipment	5 000	–	5 000	5 000	5 000
Subtotal	**2 965 900**	**1 146 597**	**1 153 403**	**2 300 000**	**2 984 600**
Funds available					
Pledges and contributions	–	–	–	–	–
Anticipated pledges	–	–	–	–	–

Component	1 January-31 December 2018 (estimated requirements)[a]	1 January-30 June 2018 (actual expenditure)	1 July-31 December 2018 (projected expenditure)	1 January-31 December 2018 (estimated expenditure)[b]	1 January-31 December 2019 (estimated requirements)
	a	*b*	*c*	*d = (b + c)*	*e*
Amount of subvention received	–	–	–	2 300 000	–
Subtotal	**–**	**–**	**–**	**2 300 000**	**–**
Surplus/(shortfall)	**–**	**–**	**–**	**–**	**(2 984 600)**

[a] Approved by the Oversight Committee.

[b] The budget for 2019 approved by the Oversight Committee amounts to $2,984,600, consisting of $2,394,900 for non-judicial activities and $589,700 for judicial activities. The projected expenditures for 2018 in the amount of $2,300,000 do not include expenditures for any possible judicial activities that may arise during the remaining months of 2018.

37. The assumptions forming the basis for the budget are derived from the operations of the Residual Special Court. They are subject to the Court continuing to carry out its functions at its interim seat in The Hague, with a sub-office in Freetown to manage functions, including witness and victim protection and support, defence issues and the coordination of matters related to persons convicted by the Special Court for Sierra Leone.

38. The staff composition of the office of the Residual Special Court in The Hague is as follows: one Registrar (D-2); one Prosecution Legal Adviser (P-4); one Legal Officer (P-4) in the Office of the Registrar; one Archiving Officer (P-2); one Office Manager (P-2); and one Associate Legal Officer (P-1). In addition, one position (Local level) is funded through general temporary assistance to provide archiving services. The staff composition of the Court's sub office in Freetown is as follows: one Senior Legal Officer (P-4); one Associate Defence Legal Officer (P-1); three Witness Protection and Support Supervisor/Protection Officers (National Professional Officer); one Administrative Assistant (Local level); and one Cleaner (Local level). The Court relies on short-term consultancies, expert services, interns and pro bono services to supplement its staffing resources, as and when necessary. Annex III to the present report provides details on staffing requirements by category, level and location for 2019.

V. Efficiency measures

39. The Residual Special Court has considered the recommendations of the Advisory Committee on Administrative and Budgetary Questions on the need for the Court to intensify fundraising efforts, broaden its donor base, adopt innovative fundraising strategies and reduce travel cost (see A/72/7/Add.20, paras. 11, 12 and 18); to adopt a more realistic approach to budgeting for judicial activities (ibid., para. 15); to have functions of the Associate Legal Officer (P-1) and the Associate Defence Legal Officer (P-1) be performed by National Professional Officers in each location, to establish alternative staffing arrangements to provide administrative services in lieu of the Office Manager (P-2) and Cleaner (Local level) (ibid., para.17); and to explore possible savings and economies of scale associated with the nationalization of posts and cost-sharing support arrangements with the International Residual Mechanism through co-location in Arusha (ibid., para. 22).

40. In addition to the fundraising activities outlined in section VI below, the Residual Special Court has revised its fundraising strategy by cutting down on fundraising-related travel and making use, for the first time, of its Twitter account and press releases to raise awareness of its financial situation and seek voluntary

contributions. Doing so has broadened the reach of the Court. Adopting a more realistic approach to budgeting for the judicial activities of the residual mechanism remains a challenge owing to the uncertainty surrounding the nature and timing of activities, some of which will arise depending on the actions of those convicted, or if the fugitive, Mr. Koroma, is apprehended. In the light of the significant challenge of mobilizing voluntary resources to meet its obligations under its Statute, the Residual Court has deemed it necessary and in the interest of justice to anticipate the possibility of the occurrence of judicial activities and to be prepared to deal with them as and when they occur.

41. In 2018, the Residual Special Court conducted an assessment to determine the feasibility of nationalizing positions and seeking alternative means of providing cleaning services. The assessment showed that nationalizing the Associate Legal Officer (P-1) and the Office Manager (P-2) positions based in The Hague would result in higher costs than maintaining them at their current professional levels, and outsourcing cleaning services in Freetown would also cost more than maintaining the staff cleaner post at its current Local level. It should be noted that the comparisons between the above-mentioned positions were made at the lowest level of the National Officer category, with the exception of the Office Manager, which was compared against the NO-B level given the level of responsibilities, which include administrative representation of the Registrar, supporting the Residual Special Court in developing the work programme and budget, undertaking personnel activities, and making travel arrangements for the Residual Special Court. While reclassifying the Associate Defence Legal Officer (P-1) based in Freetown to a National Professional Officer position would cost less than keeping it at its current professional level, having considered the full scope of responsibilities of the position, nationalizing the post with a considerable reduction in remuneration would not attract a competent lawyer who would be willing and capable of performing the duties of the post on a full-time basis. Moreover, given that is the only full-time position available to the defence, it would not be in the interest of justice to nationalize the position, as doing so would exacerbate the perception of inequality of arms and bias against the defence.

42. In the previous report of the Secretary-General (A/72/384), it was estimated that the yearly recurring costs of the Residual Special Court would increase by approximately $318,700 if the Court were to relocate to Arusha. With the nationalization of the Associate Legal Officer (P-1) and Office Manager (P-2) positions, the annual recurring cost would increase by $225,465. It is also noted in the report that there was no space to accommodate the staff and archives of the Residual Special Court at the premises of the International Residual Mechanism in Arusha, and that situation has not changed.

43. The Residual Special Court remains committed to increasing efficiency through sharing administrative arrangements and staffing structure. The sub-office of the Court in Freetown is co-located with the National Witness Unit, and the Court's interim seat in The Hague is co-located with and receives administrative and logistical support from the International Residual Mechanism for Criminal Tribunals on a cost-reimbursable basis. Those administrative arrangements are without prejudice to the mandates of the respective entities.

44. With regard to staffing, efficiency measures continue to be taken, with the Registrar being the only senior full-time staff member of the Residual Special Court. The President, the judges (called from the roster as and when needed), the Prosecutor and Principal Defender all work remotely only as necessary and are remunerated on a pro rata basis.

45. The Residual Special Court also relies on short-term contractors, pro bono assistance and interns to supplement its staff resources. The Court has also retained

the expert services of professionals, such as a press officer and a detention adviser, who are called upon to work on an ad hoc basis only as necessary and are remunerated on a pro rata basis. Moreover, the Auditor General of South Africa continues to conduct the annual audit of the Court on a pro bono basis. The 2016 accounts were audited in September 2017. The 2017 accounts will be audited in September 2018 and the audit report will be submitted by the end of October 2018.

46. With regard to travel, it is a challenge to achieve efficiencies in the light of the functions for which travel is required. Examples of such functions include the supervision of certain aspects of the enforcement of sentences and the protection of witnesses. Notwithstanding those challenges, the Court has continued to adopt efficiency measures with regard to travel by combining official missions and performing Court functions in conjunction with third party-sponsored travel.

VI. Fundraising and diplomatic relations

47. The funding situation of the Residual Special Court remains a matter of serious concern for the United Nations, the Government of Sierra Leone, the principals of the Court and the Oversight Committee. During their annual visit to The Hague, in June 2018, at no cost to the Residual Special Court, the Oversight Committee met with staff and briefed them on the challenges of securing voluntary contributions and on the efforts that continued to be made to raise funds.

48. The Secretary-General addressed letters of appeal to all Member States in June 2018 to seek their financial support. The Government of Sierra Leone has also been holding bilateral meetings with Member States to seek financial support for the Residual Special Court.

49. The principals and staff members of the Residual Special Court have undertaken fundraising activities in Brussels, Freetown, New York and The Hague in order to broaden the donor base and garner financial support. The fundraising activities provide an opportunity to brief interlocutors on the important work of the Court and its financial challenges. It is envisaged that over 80 bilateral fundraising activities will be held in 2018.

50. Over the course of 2018, the following meetings have been or will be held:

(a) A diplomatic briefing on behalf of the Residual Special Court, to be hosted by the Embassy of Canada in The Hague on 26 September 2018;

(b) Bilateral meetings in The Hague with the representatives of the following countries: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Czechia, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Estonia, Finland, France, Germany, Ghana, Guatemala, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Libya, Lithuania, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Russian Federation, Rwanda, Saudi Arabia, Senegal, Slovakia, Slovenia, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, United Republic of Tanzania, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam and Yemen.

51. It is envisaged that bilateral meetings will be held in 2018 in Brussels with representatives of the embassies of the following countries: Belize, Benin, Bhutan,

Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cabo Verde, Central African Republic, Chad, Comoros, Congo, Djibouti, Equatorial Guinea, Eswatini, Fiji, Gabon, Gambia, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Jamaica, Laos, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Niger, Papua New Guinea, Paraguay, Saint Vincent and the Grenadines, Samoa, Sao Tome and P incipe, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Uganda, Zambia and Zimbabwe.

52. With regard to diplomatic relations, the Registrar, representing the President, attended several meetings and ceremonies on behalf of the Residual Special Court, including the opening ceremony for the 2018 judicial year of the International Criminal Court. The Legal Officer, representing the Registrar, and the Prosecution Legal Adviser, representing the Prosecutor, attended several diplomatic events, including those org nized by Luxembourg, Sweden and the United Kingdom.

53. The elections held in Sierra Leone in March 2018 ushered in a new Government. As a result, in June 2018, the Registrar paid courtesy calls to the President of Sierra Leone, Julius Maada Bio, and other members of the new Government. During the visit, she met with the Minister for Foreign Affairs, the Attorney General/ Minister of Justice, the Secretary to the President, the Inspector General of Police and the Chief Justice, as well as representatives of the country's civil society, in order to brief them on the Court's work and challenges. The Registrar also held meetings with the judges of the Residual Special Court who are based in Sierra Leone.

54. Bilateral meetings have been held with representatives of the following permanent missions in New York: Bolivia (Plurinational State of), China, Egypt, Equatorial Guinea, Ethiopia, France, Germany, India, Japan, Kuwait, Nigeria, Netherlands, Peru, Poland, Sweden, United States and United Kingdom.

55. Despite those efforts, in addition to four rounds of appeals to all 193 Member States, made in 2015, 2016, 2017 and 2018, the adoption of innovative fundraising strategies, and over 300 fundraising meetings and diplomatic briefings since the Residual Special Court commenced operations in 2014, the financial situation of the Court remains dire, with no prospects for future voluntary contributions.

VII. Future financing arrangements for the Residual Special Court

56. The Secretary-General continues to be concerned about the future financing of the Residual Special Court. Since 2015, the Court has not received sufficient voluntary contributions for its operations and has had to rely on subventions from the General Assembly. The Secretary-General concurs with the Advisory Committee on Administrative and Budgetary Questions that there is a compelling need for a sustainable long-term financing solution for the Court (see A/72/7/Add.20, para. 22). The Secretariat has explored alternative options for the financing of the Court, consistent with article 3 of the Agreement between the United Nations and the Government of Sierra Leone on the establishment of a Residual Special Court for Sierra Leone, and with the conclusions and recommendations of the Advisory Committee (see A/67/648, para. 22; A/70/7/Add. 30, para. 21; A/71/613, paras. 22 and 23; and A/72/7/Add.20, paras. 22 and 23), which were endorsed by the General Assembly in its resolutions 67/246, 70/248 A, 71/272 and 72/262 A.

57. The Secretary-General is grateful for the endorsement by the General Assembly of the provision of logistical and administrative support to the Residual Special Court by the International Residual Mechanism for Criminal Tribunals, on a cost-

reimbursable basis, as appropriate and without prejudice to the mandate of the respective entities. On 12 December 2017, the Residual Special Court for Sierra Leone, the International Tribunal for the Former Yugoslavia and the International Residual Mechanism signed an amendment to a memorandum of understanding regarding administrative and technical arrangements between the International Residual Mechanism and the Residual Special Court, pursuant to which, following the closure of the International Tribunal for the Former Yugoslavia, the International Residual Mechanism assumed responsibility on 1 January 2018 for providing administrative support services to the Residual Special Court.

58. The Advisory Committee has previously suggested the possibility of including the Residual Special Court in the financing arrangements for the International Residual Mechanism (see A/67/648, para. 22). There continue to be mixed views, including reservations on the part of some members of the Security Council, regarding the idea of integrating the Court and the International Residual Mechanism. The Secretary-General notes in that regard that the Council is the parent organ of the Mechanism and the intergovernmental organ that provided the mandate for the establishment of the Court.

59. The Secretariat will continue to assess the potential for achieving greater efficiencies and possible savings and economies of scale, including through closer association between the Residual Special Court and the International Residual Mechanism, as appropriate and without prejudice to the mandate and identity of either institution, which would not amount to a merger of the two institutions. The Secretary-General continues to believe, as stated in the report to the Security Council on the administrative and budgetary aspects of the options for possible locations for the archives of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and the seat of the residual mechanism(s) for the Tribunals (S/2009/258), that there would be a certain logic, and possibly economies of scale, in leaving the door open for residual mechanisms to be attached to one common administrative hub at some point in the future.

VIII. End-of-service liabilities

60. In the event that the required funding for 2019 is not received, extension of contracts for staff would not be possible, and that would result in end-of-service liability payments due to staff. Those liabilities include staff entitlements and benefits payable upon separation, amounting to approximately $240,000.

61. The judges, Prosecutor and Principal Defender are not entitled to separation costs. However, the Court may incur liability for any outstanding commitments at the time of closure.

62. Additional liabilities may arise from the discontinuation of witness protection and support and of sentence enforcement and supervision activities, as well as from outstanding obligations to vendors and contractors.

IX. Conclusion and recommendations

63. **The Residual Special Court has used the commitment authority judiciously and, on the basis of current projections and expenditure thus far, it anticipates that the full amount of the $2.3 million in commitment authority received in 2018 would be used and reported in the context of the performance report on the programme budget for the biennium 2018-2019.**

64. **The Secretariat considers that there are no additional alternative options to explore in respect of future financing arrangements for the Residual Special Court. In the light of consultations with members of the Security Council and the minimal prospects for voluntary contributions in the future, the alternative financing arrangement that would place the Court on a secure financing basis would be funding from the United Nations and the provision of logistical and administrative support to the Court by the International Residual Mechanism for Criminal Tribunals.**

65. **Given the lack of adequate and sustained voluntary contributions for the Residual Special Court to fulfil its mandate, the Secretary-General requests the General Assembly:**

(a) **To take note of the report of the Secretary-General;**

(b) **To approve a subvention in the amount of $2,984,600 ($2,394,900 for non-judicial activities and $589,700 for judicial activities) for the period from 1 January to 31 December 2019 for the Residual Special Court for Sierra Leone, with the understanding that any voluntary contributions received would reduce the utilization of the funding provided by the United Nations, which would be reported in the performance reports on the programme budget for the biennium 2018-2019;**

(c) **To appropriate an amount of $2,984,600 as a subvention to the Residual Special Court for Sierra Leone under section 8, Legal affairs, of the proposed programme budget for the biennium 2018-2019.**

Annex I

Funds available for the Residual Special Court for Sierra Leone and actual expenditure as at 30 June 2018

A. Income as at 30 June 2018

(United States dollars)

Cash balance brought forward as at 1 January 2018	–
Contributions received from 1 January to 30 June 2018	–
Contributions anticipated and pledges, 1 July to 31 December 2018	–
Amount of subvention received	2 300 000
Total	**2 300 000**

B. Expenditure as at 30 June 2018

(United States dollars)

	Disbursement (a)	*Obligation* (b)	*Total expenditure* (c) = (a) + (b)
January	160 543	–	160 543
February	131 706	–	131 706
March	190 985	–	190 985
April	152 684	21 700	174 384
May	232 311	21 400	253 711
June	208 007	27 261	235 268
July	–	–	–
August	–	–	–
September	–	–	–
October	–	–	–
November	–	–	–
December	–	–	–
Total	**1 076 236**	**70 361**	**1 146 597**

Annex II

Requirements by object of expenditure: non-judicial and judicial proceedings

Object of expenditure	*Non-judicial* *(a)*	*Judicial* *(b)*	*Total* *(c)=(a)+(b)*
Posts	1 335 900	160 000	1 495 900
Compensation to judges	49 800	129 700	179 500
Consultants and experts	31 500	–	31 500
Travel	110 000	178 000	288 000
Contractual services	537 700	50 000	587 700
General operating expenses	310 000	72 000	382 000
Supplies and materials	15 000	–	15 000
Furniture and equipment	5 000	–	5 000
Total	**2 394 900**	**589 700**	**2 984 600**

Annex III

Staffing requirements

A. Staffing requirements for the Residual Special Court in 2019 on a full-time basis

	Professional category and above							*National staff*			
Location	*USG*	*D-2*	*P-4*	*P-3*	*P-2*	*P-1*	*Subtotal*	*National Officer*	*Local level*	*Subtotal*	*Total*
The Hague	–	1	2	–	2	1	6	–	–	–	6
Freetown	–	–	1	–	–	1	2	3	2	5	7
Total	**–**	**1**	**3**	**–**	**2**	**2**	**8**	**3**	**2**	**5**	**13**

Note: In addition to the 13 full-time positions, 1 position funded from general temporary assistance (Local level) would provide additional archiving support.

B. Staffing requirements for the Residual Special Court in 2019 by location and component (sourced from the roster if required for judicial activity)

	Professional category and above							*National staff*			
Location and component	*USG*	*D-2*	*P-4*	*P-3*	*P-2*	*P-1*	*Subtotal*	*National Officer*	*Local level*	*Subtotal*	*Total*
The Hague											
Judicial	3	–	2	1	–	–	6	–	5	5	11
Non-judicial	2[a]	–	–	–	–	–	2	–	–	–	2
Total	**5**	**–**	**2**	**1**	**–**	**–**	**8**	**–**	**5**	**5**	**13**

[a] It is expected that the President and Prosecutor will be required for judicial activity, as necessary.

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Item 74 (c) of the provisional agenda*
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in Belarus**

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in Belarus, Miklos Haraszti, submitted in accordance with Human Rights Council resolution 35/27.

* A/73/150.

** The present report was submitted after the deadline to take into account the latest developments regarding amendments to the law on mass media.

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Report of the Special Rapporteur on the situation of human rights in Belarus

Summary

The present report is submitted by the Special Rapporteur on the situation of human rights in Belarus, Miklós Haraszti, in accordance with Human Rights Council resolution 35/27. It is his concluding report after six years of serving as the Rapporteur. In the report, he warns, in detail, of the further deterioration of the right to freedom of expression, following recent legal changes that practically abolish the relative liberty of online communications. He also provides a general overview of the situation with regard to other rights. The Rapporteur welcomes the continuation of the mandate decided by the Human Rights Council in June and expresses his gratitude to the brave human rights community of Belarus, international civil society groups, the States represented in the Council and the Office of the United Nations High Commissioner for Human Rights for their support which made his work possible.

I. Introduction

A. Background

1. The Human Rights Council established the mandate of the Special Rapporteur on the situation of human rights in Belarus in its resolution 20/13 following the violent response of the authorities of Belarus to mass protests in the aftermath of the presidential elections of 2010, among other reasons. The Special Rapporteur assumed his functions on 1 November 2012. On 6 July 2018, in its resolution 38/14, the Council extended the mandate for one year. The present report is the final report of the current mandate holder to the General Assembly.

2. During the first six years of existence of the mandate, the Special Rapporteur analysed the situation of human rights in Belarus in the light of both the country's legal framework and the actions of the State apparatus. The entrenched and systemic violations of human rights as described in 2011 by the then United Nations High Commissioner for Human Rights, Navi Pillay, in her report to the Human Rights Council (A/HRC/20/8) unfortunately remain unchanged; as the present report will show, they have deteriorated in some key respects.

3. The situation of civil and political rights, in particular, continued to be marked by an overall oppressive set of laws and a chilling atmosphere deliberately conducive to self-censorship, regularly reinvigorated by sometimes violent, repressive actions by State officials. As the President has achieved absolute power over the three branches of the State (see A/72/493) during the past 22 years, Belarusian society has been forced to accommodate itself to a systemic lack of civil and political liberties, which in turn also negatively affects the situation of economic, social and cultural rights.

4. The cyclically recurring heavy crackdowns on peaceful demonstrators, the harassment of journalists and of human rights defenders and the frequent arrests of political opponents constitute the retaliatory, punitive part of human rights violations. The underlying oppressive legal framework is also designed to repress any form of expression of dissent, and to prevent or paralyse public debate not only on civic and political issues but also on economic and social ones, such as employment opportunities, wages and pensions, addiction, trafficking and corruption.

5. One of the most important human rights is the right to freedom of expression, which itself is comprised of several seminal liberties, such as the independence of media outlets from each other and from a central authority, resulting in pluralism of the media; freedom of uninhibited public exchange of differing opinions; freedom of information with regard to data of public interest; and the right to connect through any media and regardless of frontiers. It is hard to overestimate the importance of free expression for the enjoyment of all other rights.

6. Nevertheless, journalists in Belarus have for decades been working under conditions which do not match the basic standards for their vocation. Freedom of expression has been one of the human rights areas that has been deteriorating on a constant basis. In view of this, the Special Rapporteur, in the present report, will extend his previous analyses on the state of the right to free speech (see especially A/70/313). Several other human rights mechanisms have denounced the administrative hurdles and the oftentimes physical repression journalists face when conducting their professional activities.

7. The wave of searches and arrests of independent journalists and publishers on 7 and 8 August 2018 is the most recent warning from the authorities to anyone who wants to conduct independent analytical work on Belarusian policies. The raids and

temporary arrests were conducted with the same goal that underpinned the amendments to the law on mass media passed on 14 June 2018, practically eliminating the last remnants of freedom of expression online, after decades of the absence of that freedom in the print and broadcast media.[1] In the above-mentioned 2011 report, the United Nations High Commissioner for Human Rights had asked that Internet control measures be minimal and indicated that regulations should not lead to censorship: seven years later, Belarus is going in exactly the opposite direction.

8. The August crackdown targeting journalists followed raids against peaceful demonstrators on the occasion of Freedom Day, on 25 March. More than 110 individuals were arbitrarily arrested and detained. The year before, in February and March 2017, several hundred Belarusians who were protesting against social policies and corruption were brutally arrested and arbitrarily detained, together with journalists and bloggers, including foreigners.

9. The consolidation of power by the President and his Administration coincided with the expansion of the Internet worldwide. As in most countries, the Internet developed gradually in Belarus, from the mid-1990s onwards. It is now estimated that more than 5 million Belarusians regularly go on line.[2]

10. The Special Rapporteur on the promotion and protection of the right to freedom of expression and opinion has been documenting the evolution of the attitude of States towards the Internet and describing the phenomenon of surveillance and blockades in a detailed manner (see A/HRC/17/27 and A/HRC/23/40). Equally in democracies and in authoritarian regimes, the Internet has become a key feature of the freedom of speech in all its aspects, especially through its facilitation of the freedom to connect. The Internet has also been seen, however, as threatening by Governments desiring to restrict the openness of public debates.

11. In Belarus in recent decades, the Internet has remained the only arena where individuals could debate relatively freely, without fearing repression for expressing critical views regarding State policies.

12. The amendments to the law on mass media, especially with regard to Internet-hosted media, adopted by the Parliament on 14 June 2018 complete the State's grip on public speech.

13. The regime for the enjoyment of human rights is therefore a permission-based one; however, the very definition of such a regime entails that the enjoyment of such rights must not be dependent on Government approval, but rather should be subject only to protection by the Government. The regime for the enjoyment of human rights that would comply with the otherwise necessary administrative and other legitimate purposes of States, including the efficient protection of the enjoyment of those rights, is the so-called notification-based system, whereby the administration has knowledge of but not jurisdiction over the aforementioned activities. A regime that requires authorization and is based on permission, a prime tool for oppression of the enjoyment of basic rights, had not been applicable to the online debate until the amendments were passed.

14. With this move, the authorities of Belarus demonstrate once again that the rhetoric about alleged improvements in the situation of human rights in Belarus is contradicted by the reality on the ground and in the legal framework.

[1] Office of the United Nations High Commissioner for Human Rights, "Belarus cracks down on journalists and publishers as oppressive new media laws bite, UN expert warns". Available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23440&LangID=E.

[2] Freedom House, "Freedom on the Net 2017: Belarus country profile". Available at https://freedomhouse.org/report/freedom-net/2017/belarus.

15. The absence of enjoyment of the right to freedom of expression carries adverse and blatantly visible effects during election periods (prior, during and after the polls are held). Informed choice, a precondition of free and fair elections, has been absent in all elections during the tenure of the incumbent administration, transforming elections into an orchestrated symbolic approval of the status quo. As Belarus will hold elections in 2019, the Special Rapporteur urges the international community to continue monitoring the situation of election-related human rights, including freedom of speech and media freedom, and to demand positive steps.

16. The period of effectiveness of the inter-agency action plan[3] adopted in October 2016, to implement a selected set of recommendations accepted by the Government during the universal periodic review of Belarus and the recommendations of some treaty bodies, will come to an end in 2019. The Plan has been repeatedly presented as a systemic response to ensure the enjoyment of all human rights in Belarus. The Special Rapporteur provided a detailed analysis of the plan in his report to the Human Rights Council in 2017 (A/HRC/35/40 and A/HRC/35/40/Corr.1). While recognizing the efforts put forth by some State officials in preparing the Plan and ensuring its endorsement by the presidential Administration, the Special Rapporteur questions the relevance of the plan owing to the near total absence of civil and political rights in it, despite the recognition by the Minister for Foreign Affairs of the indivisibility of human rights.[4]

17. The Special Rapporteur can list only a few of the measures taken by the authorities of Belarus regarding the human rights agenda over the past six years: the ratification of the Convention on the Rights of Persons with Disabilities in 2016 (Belarus being the last European State to ratify the treaty), and the authorization granted to two members of the opposition to enter Parliament after the elections of September 2016. Belarus does not recognize the mandate of the Special Rapporteur and refuses to cooperate with it. The country still has not issued a standing invitation to all special procedures, and the following mandates are still waiting for an answer: freedom of expression; freedom of assembly; human rights defenders; torture; and enforced disappearance.

18. Following the submission of its report, Belarus is to be reviewed by the Human Rights Committee at its 124th session, which begins on 8 October 2018. It will have been 21 years since the Committee last reviewed the compliance of Belarus with its obligations under the International Covenant on Civil and Political Rights.

19. In May 2018, the Committee against Torture assessed the level of compliance of Belarus with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The concluding observations (CAT/C/BLR/CO/5) of the Committee show that no tangible progress was achieved on an issue that has been underlined by various mechanisms, despite numerous concrete recommendations to put an end to ill-treatment and torture by police and prison officials.

B. Methodology

20. During his entire mandate, the Special Rapporteur did not enjoy cooperation from the authorities of Belarus. Therefore, apart from publicly available official documents, he has relied on information from various sources, including civil society actors inside and outside the country, international and regional human rights mechanisms and the diplomatic community.

[3] Available at http://mfa.gov.by/upload/doc/plan_all_eng.pdf.

[4] http://mfa.gov.by/en/organizations/human_rights.

21. The Special Rapporteur regrets that the Government does not cooperate with the mandate holder, even on issues of mutual concern.

II. Continued tightening of restrictions on freedom of expression

22. For more than 20 years, the State apparatus of Belarus has tightly restricted the freedom of expression and the media. Free public debate, as well as the work of independent journalists and all areas of societal communications, have been subordinated to a rigidly oppressive legal framework and governmental practice, despite the State having committed itself to maintaining free speech both constitutionally and in international human rights treaties. The tightening of the space for expression is driven equally by self-censorship, that is, the fear of crossing either a written or an unknown line as arbitrarily interpreted by the Government.

A. International obligations and observations

23. Belarus, like any other Member State of the United Nations or participating State of the Organization for Security and Cooperation in Europe (OSCE), is obliged to ensure freedom of expression through the promotion of, among other means, media diversity and independence, as well as through access to information, including through the Internet (see A/HRC/38/35, para 6). In addition, the Human Rights Council proclaimed that restrictions on the right to freedom of expression should never be applied to discussions of Government policies and political debate, including engaging in election campaigns, reporting on human rights; Government activities and corruption involving Government officials; peaceful demonstrations; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups (see Human Rights Council resolution 12/16, para. 5 (p) (i)).

24. The Human Rights Committee has stated very clearly that no one may be penalized, harassed, intimidated or stigmatized for holding an opinion, as any form of effort to coerce the holding or not holding of any opinion is prohibited by article 19 of the International Covenant on Civil and Political Rights (see general comment No. 34 (2011) on article 19: freedoms of opinion and expression, para. 10). In that sense, the right to hold an opinion is absolute.

25. While there is no specific right to anonymity spelled out in the Universal Declaration of Human Rights or the International Covenant on Civil and Political Rights, the banning of anonymity was intentionally left out of the Covenant, precisely because anonymity might at times be useful for the protection of authors of views, and consequently for the protection of the right to freedom of opinion and expression. (For more information on anonymity, see A/HRC/29/32). The Special Rapporteur recalls that the Covenant (art. 17 (2)) obliges States to protect privacy against *unlawful and arbitrary* interference and attacks.

26. The regulations concerning the media in Belarus have been criticized by many human rights mechanisms for many years. In his 2015 report to the General Assembly (see A/70/313, para. 33 and following), the Special Rapporteur analysed the 2008 law on mass media. It established very tight State control over channels of communication by ordering a cumbersome registration process for any media outlet. It also provided for the possibility of withdrawing licences obtained after registration on grounds which are vague enough to justify any closure. At that time, the OSCE Representative on Freedom of the Media warned that the adoption of that law would open the door to future restrictive regulations on Internet-based media. In 2014, amendments to the law had already tightened restrictions on the freedom of online expression by

extending the control of the Government, notably with regard to content, warnings and suspension of online communications. Ten years after the adoption of the law, the latest amendments passed in June 2018 complete the imposition of State control over the Internet in Belarus.

27. Under the International Covenant on Civil and Political Rights (art. 19 (3)), the only restrictions on the right to freedom of expression must be those which are provided by law and are necessary and legitimate to protect the rights or reputation of others, national security or public order, public health or morals. They should be proven the least restrictive and most proportionate means to achieve the goal of the restriction. In addition, the restrictions must be applied by a body in a manner that is neither arbitrary nor discriminatory and with adequate safeguards against abuse, independently of any political, commercial or other unwarranted influences. It is obvious that these restriction safeguards apply to offline and online media alike. From the consecutive legislative and institutional measures taken by the incumbent administration over decades, including without prejudging the assessment the Human Rights Committee may make of the recent legal amendments, it appears prima facie that the latter are a clear breach of the limitations safeguards imposed by the Covenant, at least as far as the necessity, legitimacy and proportionality requirements are concerned.

28. The Human Rights Committee has defined the activity of journalism as a "function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere" (see general comment No. 34, para. 44). The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression extends the definition of journalists to "so-called 'citizen journalists' when they momentarily play that role" (see A/HRC/20/17, para. 4) and "who play an increasingly important role by documenting and disseminating news" as it unfolds on the ground (ibid., para. 61). The Special Rapporteur on the right to privacy explained that the Internet having enabled normal citizens to publish content at any time had "empowered citizens in many ways, especially in situations where censorship or other obstacles are bypassed or where technology facilitates freedom of expression in a way than enhances democracy in society" (see A/HRC/31/64, para. 13).

29. The Special Rapporteur on freedom of expression affirmed that journalism, as defined by the Human Rights Committee, is a key element in a society "as it provides individuals and society as a whole with the necessary information to allow them to develop their own thoughts and to freely draw their own conclusions and opinions" (see A/HRC/20/17, para. 3). Ad contrario, when journalism is so severely controlled by the State and by the distribution of print media under State monopoly, one may conclude that the conditions for the right to seek and receive information are not fulfilled, thus violating the right to hold an opinion.

30. The right to hold an opinion is enshrined in article 19 of the Universal Declaration of Human Rights, which stipulates that everyone shall have the freedom to hold opinions without interference. The International Covenant on Civil and Political Rights contains the same definition in its article 19 (1). A number of other international treaties to which Belarus is also a State party contain such a right, for example, the Convention on the Rights of the Child (arts. 12 and 13) and the Convention on the Rights of Persons with Disabilities (art. 21).

31. The Human Rights Committee, in its general comment No. 34, explained that freedom of opinion and freedom of expression are indispensable conditions for the full development of the person, and that they are essential for any society, as they constitute the foundation stone for every free and democratic society. The Committee insists that both freedoms are closely related, with freedom of expression providing

the vehicle for the exchange and development of opinions. As such, the freedom of opinion cannot be derogated, even during a state of emergency.

32. The Human Rights Committee further comments that "a free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression.... It constitutes one of the cornerstones of a democratic society."

B. Brief history of the freedom of expression, in particular of the media

33. Since a brief period of a few years in the 1990s, after Belarus achieved independence, the space for independent media has radically shrunk. In fact, the State-controlled system that prevailed during Soviet times had not fully disappeared even during the initial years of independence, at least not in the minds of politicians. For instance, Prime Minister Vyacheslav Kebich mentioned that "the Government provides credits to the newspapers and magazines that take the correct positions. Why provide a credit to a newspaper that tries to undermine stability in our country? I shall support all the press with the exception of those publications that stand against the Government." In 1993, an expert group created by the Ministry of Information was tasked with drafting "principles for the development of an information space in Belarus".[5]

34. In the name of stability and the avoidance of pressure from markets or foreign influences, President Alyaksandr Lukashenko enforced a system of media governance that was radically centred on control through a two-track approach: the building up of a State monopoly over mass media, and the silencing of dissenting media. His administration installed a media system that in itself is antithetical to any notion of media pluralism. Belarus is the only country in Europe where there are no privately owned nationwide broadcasting outlets. Licensing and registration of any media start-ups, extending far beyond just broadcast outlets, are governmental prerogatives, without even a modicum of societal participation in the evaluation and adjudication process, and without any legal remedy against the decisions. All externalities of the print, broadcasting and online media, such as printing, distribution, subscription, frequency and apparatuses for transmitting signals, and infrastructure for the provision of Internet service, are State-owned or, in the best case, State-directed and State-dependent to the level that their functioning is indistinguishable from State ownership.

35. The Government, in particular the Ministry of Information and a dozen other entities, has the right to monitor and evaluate media content, especially for what the laws call "misuse of freedom of speech". According to article 38 of the law on mass media, the only information to be distributed by mass media must come from registered organizations, and information must not be deemed harmful to the national interests of Belarus.

36. The authorities have established a non-judicial system of sanctions for those media outlets which circulate information from unregistered sources or publish unwelcome content. After two warnings from the Ministry of Information, the media outlet may be closed down through suspension or withdrawal of its registration by the same authority that issued the warnings. The Ministry may also at any time order a so-called re-registration of publishers and information distributors, both system-wide and individually, thus pushing them into a state of uncertainty regarding their

[5] From *Belarusskaya Niva*, 9 June 1992 (quoted in Oleg Manaev, "Belarus: new principles, new broadcasting bill", *Media Law & Policy*, 30 April 1994).

continued existence. This system has automated and deeply entrenched self-censorship in the media.

37. It is important to note that these signs of a high level of State involvement in the media are no longer remnants of Soviet ways, nor are they interpretable as a developmental hold-up related to a protracted transition to democratization of the media. This media system is the result of carefully designed and systematically executed governmental policies following a period when the nation became acquainted with the basic democratic principles regarding freedom of expression. It serves as a transition from democracy, not to it, purposely targeting media pluralism and any obstacles to the distribution of governmental propaganda.

38. State protection and support applies to loyal media only. In 1994, a draft broadcasting bill called for the mass media to "pursue a policy of strengthening public consent, avoiding extremist articles and abstaining from utterances that harm the spiritual and moral health of the masses".[6] Just after he was elected, President Lukashenko stated that he supported a free press as long as it was responsible and helped his presidency. A press law was passed that nominally prohibited press monopolies but maintained a virtual State monopoly of the media.[7] Two years later, the president signed a decree making editors-in-chief of State-supported newspapers official State employees.[8] The most recent statement of President Lukashenko is in exactly the same vein: by protecting the information field and through the control of social media, he claims to be combating fake news.[9]

39. Restrictions on the working conditions of journalists started in 1997 with denial of accreditation to journalists critical of the regime. In July of that year, a decree of the Council of Ministers required all foreign media correspondents to apply for reaccreditation.[8] Ever since, the conditions for becoming and remaining a journalist in Belarus, regardless of whether the journalist contributes to an outlet based in Belarus or one that is foreign-owned, are strictly controlled by the State through a cumbersome registration process combined with institutionalized harassment. The authorities' practical ownership of nationwide media, combined with their control of the few private media outlets, instils a climate of fear, resulting in self-censorship or abandonment of the profession.

C. Recent amendments to the law on mass media and to the code of administrative procedures

40. On 14 June 2018, the House of Representatives of Belarus adopted in a second reading amendments to the law on mass media, which in effect quash the last space in which free speech was relatively possible: Internet-based media and communication. These amendments are the final step by the authorities to perfect their control over what can be said and written in the public area. This recent move affects not only the right of citizens to express themselves but also the right of individuals to hold an opinion.

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[6] Monroe E. Price, "The Market for loyalties: electronic media and the global Competition for allegiances", *Yale Law Journal*, vol. 104, No. 3 (1994), pp. 667–705.

[7] United States Department of State, *U.S. Department of State Country Report on Human Rights Practices 1994 — Belarus* (30 January 1995). Available at www.refworld.org/docid/3ae6aa4118.html.

[8] United States Department of State, *U.S. Department of State Country Report on Human Rights Practices 1997 — Belarus* (30 January 1998). Available at www.refworld.org/docid/3ae6aa830.html.

[9] https://naviny.by/new/20180702/1530541798-lukashenko-sfabrikovannye-novosti-i-lozhnye-orientiry-stali-glavnym-oruzhiem.

41. The Special Rapporteur, along with others, warned about the amendments when they were discussed during their first reading. Despite the many criticisms raised against the proposal, the House of Representatives adopted them in a second reading. They will enter into force on 1 December 2018.

42. The amendments altogether eliminate the last vestiges of freedom of speech in Belarus. Any individual who wishes to comment on articles, vi'eos, blog postings or any content on social media will need to be identified by the owners of any online discussion platform. In addition, the Ministry of Information may request the owners of such platforms to provide information on the authors of comments within five working days. The sites have to r tain the actual communications and all related information, not only the metadata, and do so for a much longer period than five days. The rationale is an alleged need to prevent the dissemination of untruthful information that may harm the State or public interest, or defame individuals or legal entities. As this new requirement is impossible for owners of online resources to implement in practice, such owners may decide to close the "comment" feature of their articles, thus further eliminating any possibility of expression on issues that the authorities may see as problematic. It is unknown how these vague rules would or could be applied on social media sites such as Facebook, where they seem to be technically inapplicable by the service providers or the users, at least based on the habits and assumed behavioural rationales of such services to date. At the same time, they could not be enforced by the authorities except for in an arbitrary, selective manner. A radical self-censorial effect is clearly predictable, and might be the actual purpose of the regulation.

43. Putting an end to online anonymity, similar to any restriction based on vague grounds such as "State and public interest", has long been deemed by human rights experts as having a chilling effect. As with any such restrictions, the amendment may "result in individuals' de facto exclusion from vital social spheres ... exacerbating social inequalities" (see A/HRC/23/40 and A/HRC/23/40/Corr.1, para. 49). In the Belarusian context, where the legacy and offline media are already prevented from debating any cardinal political and social issues, forcing online resources to disclose information that they cannot gather means closing down any and all possibilities of debating governmental policies and actions. The key element of the provision is therefore not its specific argument about anonymity but its role in denying freedom of speech in society altogether.

44. Another amendment provides for the voluntary registration of online platforms, after which they will be legally treated as media and therefore submitted to the same restrictive rules and practices as the print and broadcast media. The Special Rapporteur recalls the purposefully cumbersome procedure for founding and operating print and other media outlets (see A/70/313). Most of the owners of online platforms will be even less able to meet the many requirements for registration.

45. The alternative to registration for media status, that is, not asking for such status or not receiving it, will subject online publications to a newly established set of fines of up to €500 for individuals and up to €5,000 for entities, introduced in the 2018 amendments to the law on administrative offences. Police will be authorized to conduct investigations, rather than the Ministry of Information, which normally conducts investigations that concern the traditional media.

46. The new version of the law on mass media also allows the authorities to stop online publications and block access to websites and blogs. The new element of the law is the prerogative of the administrative and law enforcement authority to decide to block such access, outside of any court decision and without the possibility of appeal.

47. The 2018 amendments ending the anonymity of online contributions necessarily affect the work of journalists in their capacities as both authors and subjects of comments. Practically banning anonymity or even just having responsibility for its correct handling in the media taken over by the State is harmful not only for the freedom of opinion but also for fact-finding. Investigative websites and sources that contribute to anti-corruption and anti-abuse journalism are doomed if their actual targets, the authorities, can enforce unrestricted data retention and can confiscate data at will. This legal development in hindering the work of independent journalists in Belarus comes in addition to the continuing harassment denounced by human rights mechanisms for years. The Special Rapporteur echoes the findings of the Special Rapporteur on freedom of expression: journalists are targeted for disseminating "inconvenient" information; the problem lies in the inability or unwillingness of Governments to ensure their protection (see A/HRC/20/17, para. 92).

48. The Belarusian legal framework on media makes an artificial distinction between national and non-national mass media (art. 1 of the law on mass media). Only journalists benefiting from a State-approved working contract with a media company based in a foreign country can work for such companies; without such a contract, journalists also cannot obtain accreditation, which is another layer of the arbitrary and selective permission-based regime for those who work for foreign-owned media, and endangers all freelancers and online contributors.

49. The State does not treat accreditation in accordance with international standards, i.e. as a means to facilitate access for journalists when time, space or security aspects need consideration. Instead, accreditation is dealt with as if it were a work permit. This regulation is two-edged: it hinders both the foreign-owned media and their Belarusian contributors. Freelancers therefore cannot work for foreign mass media outlets by submitting articles, videos or analyses. If they do, they are in violation of the law and may receive warnings and fines, their residence may be searched and their material may be seized. The OSCE Representative on Freedom of the Media has denounced discrimination against and harassment of those journalists who do not have accreditation, as such accreditation "should not be a license to work" and the lack of it should not restrict their ability to "express themselves freely".[10]

D. The fate of journalism, including online journalism

50. The situation in 2017 was described as the worst year for independent journalists in Belarus since 2011.[11]

51. At least 107 journalists faced repression and harassment: arbitrary detention, beatings of those arrested, police searches of private apartments, huge fines, official warnings from public prosecutors' offices and seizure and destruction of professional technical equipment. A cameraman for Poland-based Belsat TV, Aliaksandr Barazenka, announced a hunger strike for the period of his 15 days of arrest on charges of hooliganism, committed allegedly while he was being arrested. His decision followed a trial in which the judge accepted a policeman's testimony over the video footage of his arrest.

52. Throughout 2017, the Special Rapporteur continued to receive reports of intense harassment. In May alone, nine independent journalists were fined, for either

[10] Organization for Security and Cooperation in Europe (OSCE), "OSCE representative calls on Belarusian authorities to repeal accreditation requirements for journalists", 17 June 2014. Available at www.osce.org/fom/119875.

[11] Belarusian Association of Journalists, "Mass media in Belarus 2017". Available at https://baj.by/sites/default/files/analytics/files/media_monitoring_2017_eng.pdf.

contributing to non-registered media or covering non-authorized protests.[12] In June, a journalist who was covering a peaceful action by lesbian, gay, bisexual and transgender activists (leaving flowers and painting rainbow-coloured footprints on the pavement) was also fined.[13] Contributors to Belsat TV were warned that their belongings (car and phone) would be seized if they did not pay their fines within two weeks.[14] In August, journalist Larysa Shchyrakova was fined for cooperating with Belsat TV without accreditation.[15]

53. The first months of 2018, marked by the Freedom Day protests, were a repeat of the March 2017 wave of arrests and intimidation. Also, in line with the growing concern of the authorities about online journalism, bloggers emerged as a frequent target of their punitive drive. On 23 July, a blogger based in Brest was charged with insult in a public statement; he had criticized the city and regional authorities.[16] His home was searched, a computer was seized and he was detained for three days. Another blogger from the same city had his home searched on 8 August because he had "insulted a police officer".[17] He was detained during the search.

54. The Special Rapporteur on the situation of human rights in Belarus, along with the Special Rapporteur on freedom of expression, had to issue a statement on 10 August warning of the immediate deterioration of the situation of journalists in the wake of the legal amendments.[18] On 7 and 8 August, the authorities searched premises and blocked the operation of several independent media outlets, among them the online portal Tut.by and the only independent news agency in Belarus, BelaPAN. At least 16 journalists were arrested, including the editor-in-chief of Tut.by, Maryna Zolatava, and journalists Ulyiana Babayed, Hanna Kaltyhina and Halina Ulasik. BelaPAN reporter Tatsyana Korovenkova was also detained. The authorities cited violation of the penal code, which criminalizes illegal access to computer information that may cause significant harm. In fact, the journalists occasionally used each other's passwords to access the news service of the State-owned BelTA news agency. The allegation of "significant harm" was also disingenuous given that BelTA is financed by the State and no part of its revenues comes from local subscriptions. At the time of writing of the present report, the arrested had been set free but nine of them remained under investigation, and the computer equipment seized from their homes and newsrooms remained in police custody. On 27 August, all but one of them were banned from travelling abroad.

[12] Viasna, "Human rights situation in Belarus: May 2018". Available at http://spring96.org/en/news/90048.

[13] https://euroradio.by/ru/dvoih-uchastnikov-lgbt-performansa-vozle-mvd-oshtrafovali-po-735-rublya.

[14] Belarusian Association of Journalists, "Belsat journalists to lose car and property if they don't pay fines", 16 July 2018. Available at https://baj.by/en/content/belsat-journalists-lose-car-and-property-if-they-dont-pay-fines.

[15] Belarusian Association of Journalists, "Mass media in Belarus", e-newsletter, vol. 2, No. 52 (May–July 2017). Available at https://baj.by/sites/default/files/analytics/files/smi-02522017-en.pdf.

[16] https://www.svaboda.org/a/29388515.html; and Reporters without Borders, "Belarusian authorities hound critical video blogger", 3 August 2018, available at https://rsf.org/en/news/belarusian-authorities-hound-critical-video-blogger.

[17] http://belsat.eu/ru/news/obysk-u-brestskogo-blogera-aleksandra-kabanova.

[18] Office of the United Nations High Commissioner for Human Rights, "Belarus cracks down on journalists and publishers as oppressive new media laws bite, UN expert warns" (see footnote 1).

E. Freedom of expression and the media in the inter-agency action plan

55. The Special Rapporteur provided an assessment of the provisions of the Belarusian inter-agency plan related to freedom of expression and freedom of the media in a previous report (see A/HRC/35/40, paras. 41–43). Disappointingly, only three activities that relate to the media were foreseen, namely: the monitoring of compliance with the legislation on the mass media; the conduct of board members of media outlets and journalists to promote the right to the freedom of speech at international events; and the development and implementation of educational programmes for journalists on interconfessional and inter-ethnic relations. None of these activities address the systemic issues raised by human rights mechanisms for years, namely, the heavy State control through the registration, licensing, warning, accreditation and other systems, the State's domination of the media landscape and the harassment of independent and non-accredited journalists.

56. The Special Rapporteur understands from the progress report issued by the Ministry of Foreign Affairs on the implementation of the inter-agency plan[19] that the Ministry of Information monitored media compliance with the law by issuing 17 warnings to seven media outlets and seven information resource bodies. The fact that the issuance of warnings is seen as a benchmark for the progress of media freedom is telling with regard to the way Belarusian authorities envisage this issue.

III. Situation of political prisoners

57. The cyclical handling — arrest and release — of political prisoners in Belarus continues to rely on propagandistic and forged charges against dissenters and opposition political leaders. Tax evasion remains an allegation that has been instrumentalized, as has hooliganism and other violations of peace. The former chair of the United Civil Party was tried in August 2018 for having "violated the procedure for holding a mass event"; in fact, he participated in an unauthorized press conference.[20]

58. In a decision of 6 April 2018 (CCPR/C/122/D/2212/2012), the Human Rights Committee found that Belarus had violated the human rights of Andrei Sannikov, an opposition political candidate in the country's 2010 presidential elections, who submitted a complaint to the Committee in 2012. The Committee described him as a victim of torture and arbitrary arrest, and was of the view that he had also suffered arbitrary deprivation of liberty, privacy, the right to freedom of expression and the right to peaceful assembly on the ground of his political opinions.

59. The Special Rapporteur remains concerned by the existence of political prisoners in Belarus, deprived of their liberty for the sole reason of their ideas. One of them, Mikhail Zhamchuzhny, was sentenced to six-and-a-half years of imprisonment under a strict regime for "incitement to disclosure of official secrets" in July 2015. He remains in custody and was punished on 10 April 2018 with confinement for two months; in June 2018, he received his twenty-eighth penalty

[19] http://mfa.gov.by/upload/18.06.26_HR_report_2017.pdf.

[20] https://naviny.by/new/20180727/1532692670-lebedko-budut-sudit-za-press-konferenciyu-v-kuropatah.

since 2017.[21] The Special Rapporteur joins the call made by human rights organizations to the President, asking him to exonerate Zhamchuzhny and free him.[22]

60. The other prisoner of conscience is Dzmitry Palienka, an environmental and civil rights activist who was arbitrarily arrested on 29 April 2016, after participating in a peaceful demonstration to promote cycling.

IV. Situation of other human rights, including economic and social rights

A. Freedom of association

61. The concept of "registration" to authorize public speech also applies to association. Those who think alike and wish to act jointly for any cause are allowed to do so only if their entity is registered. Nevertheless, and just like for the media, such registration does not follow a notification procedure, but rather is a permission-based authorization.

62. Adding to the selective, arbitrary and politicized authorization system, Belarus de jure criminalizes any disregard of the permission process. It is then up to the authorities to turn the de jure criminalization into a de facto one. A famous case in point is the fate of Viasna, one the most dedicated human rights organizations in Belarus, which year after year has requested registration in vain. It is the bravery of its members and leaders, such as Ales Bialiatski, who also suffered four years of prison time, that civil society still defies the prohibitive conditions. The goal of such regulations has basically been achieved, though. The net result is a freeze of society's collective civic actions. This is all the more deplorable given that many non-governmental organizations (NGOs) could assist the population in humanitarian areas in which the State's response is either non-existent or inefficient.

63. Freedom of association in Belarus is governed by the law on public gatherings, which was amended in 2014. The Act provides for a cumbersome, rigid system of registration of organizations, piloted by the Ministry of Justice. The level of complexity and amount of paperwork allows the Ministry to use petty grounds to deny registration in an arbitrary manner, including, for instance, for using the wrong font to fill in the forms.[23] It also allows the justice system to terminate any association that has not submitted the required annual reports for three consecutive years. State-based harassment also takes the form of financial discrimination, as public associations have to pay much higher fees for their registration than commercial associations do. Owing to the state of the rule of law in Belarus, appeals against such denials are doomed to fail.

64. The main recent development regarding freedom of association is the advertised plan of the Council of Ministers to abolish article 193-1 of the criminal code, introduced in 2005 and which criminalizes participation in the activities of non-registered organizations. This article has been long described by human rights defenders and human rights mechanisms alike as a de jure violation of the freedom

[21] Viasna, "Human rights situation in Belarus: June 2018". Available at http://spring96.org/en/news/90250.

[22] Viasna, "Human rights situation in Belarus: July 2018". Available at http://spring96.org/en/news/90469.

[23] Alternative report by the national human rights coalition on implementation of the International Covenant on Civil and Political Rights in Belarus, presented to the Human Rights Committee at its 124th session. Available at https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/BLR/INT_CCPR_CSS_BLR_31288_E.pdf.

of association. The article was used at least 18 times between 2005 and 2010 to sentence individuals. Since 2010, the article has not been used to sentence, but rather to warn, individuals, in particular political leaders.

65. The abolishment of criminalization would be replaced, however, with a system of administrative sanctions, with descriptions of the transgressions copied and pasted from the criminal code and the same arbitrary jurisdiction provided if the fines should be meted out. It is noteworthy that fines and the subsequent confiscations, including of livelihood equipment and even apartments in many cases, are more harmful for the lives of the victims then the penal procedure has been. Hence, legal impediments to the enjoyment of the freedom of association would still exist, ensuring continued State control over unauthorized activities in Belarus.

66. The Special Rapporteur has frequently mentioned the difficulties for individuals to form groups, register and work legally on issues that are not acknowledged by the authorities. This is even more acute when it comes to the registration of political parties. Since the creation of the mandate of the Special Rapporteur, only one political movement (not a party) was registered: the "Tell the Truth" group, and it will not have the possibility to present candidates for elections. On 25 May 2018, the Belarusian Christian Democracy Party filed an appeal to the Supreme Court against the seventh decision from the Ministry of Justice to refuse its registration. The last registration of a political party in Belarus was in 2000.

67. An additional burden on associations was introduced by Presidential Decree No. 5 of 31 August 2015. Any foreign donation must first be registered by the presidential office (through the department of humanitarian affairs). One may wonder why it is the Presidential Administration that is in charge of this registration, and not the Ministry of Justice or the Ministry of Finance. Donations that are made to organizations the goals of which are not on a pre-existing list may be confiscated by the administration. The promotion and protection of human rights are obviously not on that list; neither are gender quality nor a long list of other important social endeavours.

B. Freedom of peaceful assembly

68. As is the case for the tightening of restrictions on the freedom of association, the authorities in Belarus have developed a similar oppressive set of laws managing the freedom to peacefully gather. The regular crackdowns on peaceful demonstrators, the last occurrence of which was on the occasion of Freedom Day (25 March) this year, join the oppressive administrative and penal rules in silencing the public expression of dissenting views.

69. The Special Rapporteur, along with many other human rights actors and mechanisms, expressed outrage at the wave of repression of peaceful demonstrations against social policies in 2017. In particular, the protest marches were against the application of Presidential Decree No. 3, which labelled those not working full time as "social parasites" and fined those not registered as working a minimum of 183 days per year. The magnitude of the arrests and detentions — several hundred individuals — was aimed at creating fear with regard to future mass demonstrations, thus curtailing the freedom of expression. In fact, such repression has occurred cyclically over the years, and is meant as an educational reminder for new generations regarding the unchanged regulations.

70. The freedom of assembly in Belarus is governed by the law on mass events of 2011.[24] The European Commission for Democracy through Law ("Venice

[24] Available at http://by.prava-by.info/wp-content/uploads/2016/04/default.pdf.

Commission") criticized the law for not being compliant with international standards, stating that the conditions set for the freedom of peaceful assembly were deliberately restrictive. Amendments adopted in July of this year, which shall enter into force in February 2019, have added a notification procedure for those gatherings which are to take place in areas specifically designated by the authorities. Any event that will take place in another area will still require permission from the authorities, and disregard of the process or the resolution will carry the same consequences as before. The amendments also introduced an additional burden on journalists, who will be liable if they disseminate any information on the place and date of such events in the media, including through the Internet, without having submitted a notification in the first place.[25]

71. In 2018, the intensity with which the punitive approach to freedom of assembly is applied has not relented, with retaliation occurring for mere presence at an unauthorized gathering, and even for protests by one person.

72. In July 2018, an activist received two fines and faced justice three times for having violated the procedure for organizing and holding mass events. She had posted online three pictures of herself holding a sign in front of the Ministry of Internal Affairs, the House of the Government and the KGB headquarters, in protest against the public statement by the Ministry describing same-sex relationships as "fake". Amnesty International described the sentence as a "new low" for the authorities.[26] She was not apprehended at the actual locations, indicating that her presence on Internet platforms fell under the law on mass events, which is clearly meant to regulate away the new freedom to connect online.

C. Torture and ill-treatment, and disappearances

73. Violations of the right to physical integrity and the right to life, together with enforced disappearance, represent the culmination of attempts to silence critical voices.

74. The Special Rapporteur recalls the cases of disappeared prominent figures of the opposition. As at the date of submission of the present report, the authorities had not made any progress in the investigations; however, the absence of communication on these unresolved cases has not erased them from the collective memory.

75. Research by human rights monitors, and even admissions by officials, had provided credible reports that senior officials in the Lukashenko administration were involved in the 1999 disappearances of opposition figures Yury Zakharenko, Viktor Gonchar and Anatoly Krasovsky, and the July 2000 kidnapping of journalist Dimitry Zavadsky. Members of a "death squad" allegedly organized by the then Minister of the Interior were convicted of the kidnapping of Zavadsky, although the trial did not address what happened to Zavadsky after the kidnapping. The Zakharenko, Gonchar and Krasovsky cases remain unresolved.

76. The Parliamentary Assembly of the Council of Europe concluded[27] that the authorities had failed to investigate those disappearances and had covered up the circumstances.

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[25] https://www.svaboda.org/a/29390085.html.

[26] Amnesty International, "Belarus: new low as authorities slap solo LGBTI protester with fine for 'mass' protest", 16 July 2018. Available at www.amnesty.org/en/latest/news/2018/07/belarus-new-low-as-authorities-slap-solo-lgbti-protester-with-fine-for-mass-protest.

[27] Parliamentary Assembly of the Council of Europe, resolution 1371 (2004) and recommendation 1657 (2004), on disappeared persons in Belarus; and resolution 2172 (2017), on the situation in Belarus. Available at http://assembly.coe.int.

77. The Special Rapporteur recalls repeated incidences of independent journalists being found dead under suspicious circumstances. In 2004, independent journalist Veronika Cherkasova was found dead in her apartment with over 20 stab wounds; authorities suspended the related investigation in 2006. In 2005, independent journalist Vasily Grodnikov was found dead in his apartment under unexplained circumstances; authorities concluded that Grodnikov had died while intoxicated, and closed the case. In 2010, human rights observers contended that the apparent suicide of Aleh Byabenin, an independent journalist and member of the opposition, had in fact been staged. The Special Rapporteur is particularly worried about reports of death threats against Natalya Radzina, the editor of website Charter97.org.[28]

78. The last wave of massive ill-treatment happened during the protests of February and March 2017 against Presidential Decree No. 3 (see A/72/493, para. 63).

79. The Special Rapporteur notes that, on 23 March 2017, the Zavodski district court ruled that the mother and sister of Ihar Ptsichkin, who died in prison in August 2013, should receive financial compensation for the emotional distress caused by his death. Unfortunately, the Ministry of Interior filed an appeal to the Minsk city court, on the ground that the mother of the victim "had to assume that her son might die in prison".[29]

80. The Special Rapporteur continued to receive reports of ill-treatment, in particular by prison officials and officials of the Ministry of Interior. The latter seem to particularly target anarchists and artists: on 30 June, young participants in a rally had to stay on their knees with their hands on their heads for five hours.[30]

D. Death penalty

81. Belarus remains the only country in Europe to have capital punishment in its criminal code and to also apply it.

82. Numerous round tables with foreign experts have taken place on the issue of abolishment, but an in-depth public, nationwide discussion prompted or supported by political will is still missing. In fact, the President himself closed all debate, as he declared that his decision to keep the death penalty as part of the judicial system of Belarus is actually a reflection of public will.[31] There are, however, numerous examples among States that have abolished the death penalty of States having taken the decision to eliminate the death penalty despite polls in favour of keeping it.

83. It seemed a positive development that the Supreme Court suspended the death sentences of Ihar Hershankou and Syamyon Berazhnoy in June 2018. According to reports, however, the appeals have been rejected. Ihar Hershankou went on a hunger strike in June 2018 and submitted a communication to the Human Rights Committee.

84. The Special Rapporteur urges the authorities to respect interim measures issued by the Human Rights Committee, to mark a break with the current practice of the authorities of ignoring such measures, as has been the case in 10 instances so far.

[28] Reporters without Borders, "Death threats against Belarusian journalist based in Poland", 26 July 2018. Available at https://rsf.org/en/news/death-threats-against-belarusian-journalist-based-poland.

[29] Viasna, "Interior Ministry disputes moral suffering in prison death case", 16 May 2017. Available at http://spring96.org/en/news/86951.

[30] Viasna, "Human rights situation in Belarus: July 2018".

[31] Address of the President of Belarus to the twenty-sixth session of the Organization for Security and Cooperation in Europe Parliamentary Assembly, 5 July 2017. Available at www.belarus.by/en/press-center/26-osce-pa-annual-session-minsk/address-of-belarus-president-alexander-lukashenko-to-osce-pa-plenary-session-in-minsk_i_0000060161.html.

85. At least two new executions in Belarus, of Viktar Liotau and Alyaksey Mikhalenia, have been conducted in secret, apparently in mid-May 2018. Two death sentences have been handed down this year, against Vyachaslau Sukharka and Alyaksandr Zhylnikau, after the Supreme Court overturned the life sentences handed down by the Minsk city court.

86. The only way to contest death sentences is not by appeal, which is nearly impossible through the judiciary, but to ask the president for a pardon (art. 84 of the Constitution). The sessions of the presidential pardons commission, which examines the requests, are by regulation open to public organizations and the media, but in practice such access is consistently denied.

87. Human rights mechanisms and especially the Committee against Torture have repeatedly stressed the suffering endured by the family members of executed individuals. The secrecy surrounding the executions and the silence of the authorities on the whereabouts of their bodies unnecessarily create pain and sorrow.

88. The Special Rapporteur was alarmed by the deportation of a national of the Islamic Republic of Iran, who may be subject to ill-treatment and the death penalty on the basis of apostasy following his conversion to Christianity. He had been living in Belarus for 25 years with his family.[32]

E. Arbitrary arrest and detention

89. The handling of divergent opinions in Belarus is also managed through regular arrests and detention, often applied in an arbitrary manner on the basis of trumped-up charges. Journalists and activists, including environmental defenders, trade unionists and human rights defenders, are the typical targets of detention, which ranges from a couple of hours to several days and up to two weeks. Periodically, the authorities conduct mass arrests of journalists and activists, or even individuals peacefully protesting, as was the case in the spring of 2017. The most recent occurrence was the raid against media outlets in early August this year, during which the authorities arrested and detained at least 16 people. Those who filed complains of arbitrary arrest and detention, such as the correspondent for the German broadcast company Deutsche Welle, were not successful. The Special Rapporteur described this new wave of harassment as "sadly customary bogus criminalization of independent journalists" in Belarus.[33]

90. On 3 July 2018, about 30 individuals, including observers from the human rights centre Viasna, who were peacefully gathering to mark Independence Day, were detained for several hours and subsequently released without charge. The organizer of the rally, political opponent Nikolay Statkevich, was detained before he could reach the place where the meeting, which had not been authorized, was being held.[34]

91. The recent peaceful mobilization against the opening of a restaurant which hosts parties in the protected historical site of Kurapaty has particularly mobilized law enforcement and the judiciary At the end of June 2018, five activists were arrested and arbitrarily detained for 10 days in jail. Journalists working for Belsat TV who were covering the rally were also detained and fined for the "illegal production and

[32] Amnesty International, "Urgent action: Iranian in Belarus at risk of imminent deportation", 20 July 2018. Available at www.amnesty.org/download/Documents/EUR4988092018ENGLISH.pdf.

[33] Office of the United Nations High Commissioner for Human Rights, "Belarus cracks down on journalists and publishers as oppressive new media laws bite, UN expert warns" (see footnote 1).

[34] https://news.tut.by/economics/599246.html?utm_campaign=news-feed&utm_medium=rss&utm_source=rss-news&crnd=14751.

distribution of media products".[35] The situation in Kurapaty illustrates the deliberate absence of dialogue between the authorities, the business sector and civil society in Belarus. The State, which should be protecting national heritage at the same time that it creates economic opportunities, should facilitate negotiations and the finding of a solution. Instead, protesters and journalists are arbitrarily arrested, and used as a means of showing to the general public that protesting even for the respect of historical heritage can lead to problems.

92. In his previous report to the General Assembly, the Special Rapporteur mentioned the arbitrary detention and harassment of prominent trade unionists and members of trade unions, who had been involved in the demonstrations against Presidential Decree No. 3 in February and March 2017. Since August 2017, they have been consistently harassed and summoned to appear in court on trumped-up charges of tax evasion, a pretext that the authorities use frequently to silence political opponents. The criminal case against the Chair and the chief accountant of the Trade Union of Radio and Electronic Industry Workers, Henadz Fiadynich and Ihar Komlik, opened on 30 July 2018. They were both sentenced to four years of restricted freedom, without imprisonment and without confiscation of property but with a prohibition on holding managerial positions for five years.[36]

F. Economic and social rights

93. The demonstrations of February and March 2017 illustrated the tensions that exist in Belarus, where about 80 per cent of the economy is State-controlled. The President refuses to privatize large portions of the economy.

94. The authorities frequently label workers making a living outside the State enterprises as "social parasites". The Committee on Economic, Social and Cultural Rights will review the situation of those rights in the coming year or two, as its pre-sessional working group is scheduled to adopt its list of issues prior to reporting during its sixty-third session, in October 2018.

95. The Special Rapporteur trusts that the Committee members will look at long-standing issues such as the handling of drug users by the penal system or the forced detention and medical treatment of individuals in psychiatric hospitals and institutions.

96. Regarding the criminalization of drug users, the Special Rapporteur is concerned about the situation of mothers, some of whom have been denouncing the lack of a proper response that is respectful of the rights of their children, and who remain unheard. The group "Mothers 328" (in reference to article 328 of the penal code, which punishes some drug-related offenses by up to 25 years in prison) conducted a series of hunger strikes in April and May 2018.[37] The Special Rapporteur is not aware of any new development regarding this situation.

[35] Belsat, "Minsk police detail Belsat TV contributors after press conference", 20 July 2018. Available at http://belsat.eu/en/news/minsk-police-detain-belsat-tv-contributors-after-press-conference.

[36] Viasna, "Human Rights Situation in Belarus: August 2018". Available at http://spring96.org/en/news/90728.

[37] Radio Free Europe-Radio Liberty, "Belarusian 'Mothers 328' on hunger strike over drug sentences", 4 May 2018. Available at www.rferl.org/a/belarus-mothers-328-hunger-strike-drug-sentences/29208745.html.

97. In a country that claims almost full employment, discrimination in employment and occupation occurs with respect to ethnicity, gender, disability, language, sexual orientation and gender identity and expression, and HIV-positive status.[38]

G. Non-discrimination

98. There is still no specific anti-discrimination law that would penalize discriminatory acts against individuals on the grounds of their gender, race, ethnic group, sexual orientation, religious belief or mental or physical disability. The confusion entertained by the authorities about what is labelled as "normal" behaviour and about discrimination speaks, just as in the case of the death penalty, to a lack of political will to put an end to discriminatory laws and behaviours.

99. In the absence of specific legislation, there are no remedies against discriminatory acts. To fill in the legal vacuum, judges could have developed jurisprudence aimed at protection against discrimination, for instance, on the basis of the human rights treaties Belarus has ratified, but NGOs assess the judges as being "reluctant to consider the issue" and "lacking training" in this field.[39]

1. Gender

100. The Special Rapporteur has been reporting on the derogatory language used by the authorities regarding an allegedly natural division of tasks and duties based on gender.

101. On the occasion of a visit to a hospital, the President recently declared that women should have "at least three or four children".[40]

102. The adoption in February 2017 of a national action plan for gender equality is a step in the right direction. Unfortunately, the Special Rapporteur is not aware of any progress on the implementation of the plan.

2. Racism and hate speech

103. Belarusian law provides for aggravated sentences in the case of hate-based acts. Such legislation is rarely applied, however, and the judiciary tends to classify such acts as "hooliganism".

104. As in other countries in Central Europe and elsewhere, the Roma community has been a particular target of State officials, who use ethnic profiling and harass members of that community. Ethnic profiling was legally authorized and organized by the Ministry of Internal Affairs in internal document No. 56, which was revoked in 2017.[41]

105. The Special Rapporteur recalls that Presidential Decree No. 3 on preventing "social parasitism", and its successor measures, are also aimed at targeting members of the Roma community, for the integration of which there is no plan. Hence, not only their right to work, but also their rights to health and education, are frequently violated.

[38] United States Department of State, "Country report on human rights practices 2017 — Belarus", 20 April 2018. Available at www.state.gov/j/drl/rls/hrrpt/2017/eur/277143.htm.

[39] Alternative report by the national human rights coalition on implementation of the International Covenant on Civil and Political Rights in Belarus, presented to the Human Rights Committee at its 124th session.

[40] https://euroradio.by/ru/lukashenko-poprosil-belorusok-rozhat-minimum-tri-chetyre-rebenka.

[41] https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/BLR/INT_CCPR_CSS_BLR_31288_E.pdf.

3. Religious groups

106. The Government of Belarus Plenipotentiary for Religious and Ethnic Affairs takes all decisions to grant or withhold the permission required for foreign citizens to conduct religious work in Belarus. The current holder has been in place since October 2006; he takes decisions at his own discretion. He is openly critical of the Catholic Church. In 2016, he accused unspecified Catholic priests of carrying out "destructive" work. He is also critical of Jehovah's Witness communities and has threatened to revoke State permission for those communities to exist.

107. Subject to a Council of Ministers decree in 2008, amended in July 2010, religious organizations must submit an application for permission to invite foreigners for religious purposes, and the senior religious affairs official has the sole discretion to decide whether religious work by a foreign citizen is "necessary".

108. Faith communities must have State permission to exist in order to issue an invitation to foreigners to work with them. The Plenipotentiary's office may use administrative offences as an excuse for expulsion of foreign citizens conducting religious work. The 2008 Council of Ministers decree allows the Plenipotentiary to cancel or to refuse to renew permission for foreign religious workers who have committed two or more administrative offences within a year.

109. The "expert council" attached to the Office of the Plenipotentiary for Religious and Ethnic Affairs in Minsk carries out censorship of religious materials.

110. According to Forum 18, a Norwegian human rights organization that promotes freedom of religion, two orthodox priests from the Russian Federation and two Catholic priests from Poland were denied State permission to conduct religious work in Belarus between January and June 2018.[42]

111. According to Jehovah's Witnesses, there were incidents in which authorities briefly detained Jehovah's Witnesses for proselytizing in Hrodna, Dziarzhynsk, Loeu and Smarhon. Two Jehovah's Witnesses were fined in autumn 2017 for sharing their faith and offering religious literature on the streets.[43]

4. Lesbian, gay, bisexual, transgender and intersex communities

112. The authorities have been handling lesbian, gay, bisexual, transgender and intersex issues through the management of fundamental rights, and by applying mutatis mutandis the same legal framework developed by the Russian Federation in this field. While same-sex relationships are not criminalized, the overwhelming restrictions on the freedom of expression and of peaceful assembly have produced a climate of fear. Recently, freedom of movement was also at stake when a citizen of the United States of America, a lesbian, gay, bisexual, transgender and intersex activist, was denied access to the country after arrival at Minsk airport. No reason was given for the denial, however, such a refusal may be based on an alleged "threat to national security, public safety, protection of morals, public health of freedoms of citizens and other persons".[44]

113. In June 2018, the Ministry of Interior accused the Government of the United Kingdom of Great Britain and Northern Ireland of trying to "create problems where they do not exist" after its embassy flew the rainbow flag to acknowledge the International Day Against Homophobia, Transphobia and Biphobia. In the same statement, the Ministry asserted that "same-sex relationships are fake".

[42] Forum 18, "State official vetoes foreign Orthodox, Catholic priests", 13 June 2018. Available at http://www.forum18.org/archive.php?article_id=2387.

[43] United States, Bureau of Democracy, Human Rights and Labor, "2017 report on international religious freedom", 29 May 2018. Available at www.state.gov/j/drl/rls/irf/2017/eur/280884.htm.

[44] www.svaboda.org/a/29404674.html.

114. It is following that statement that a Belarusian national posed in front of three government buildings holding a sign with the words "YOU are fake" and posted photographs on social media and was subsequently fined two times.

115. The Identity and Law group (Belarus) and the Eurasian Coalition on Male Health reported in their submission to the Committee against Torture that lesbian, gay, bisexual and transgender people in Belarus "often face hate crimes".[45]

116. Reports of harassment continue to emerge despite intimidation by the authorities. In May 2017, the police briefly detained and then released without charge approximately 10 individuals at a lesbian, gay, bisexual, transgender and intersex event at a Minsk nightclub.[46] Similarly, in October 2017 police raided nightclubs popular with the lesbian, gay, bisexual, transgender and intersex community, during which two clubs were shuttered and patrons were harassed, with some even being detained by police.[47]

V. Conclusions and recommendations

117. After six years of service, the Special Rapporteur concludes that the deeply entrenched legal and administrative denial of the right to the freedoms of expression, assembly, association, life, non-discrimination, cultural development, free enterprise, free unionism and several other seminal liberties remains deeply entrenched and systemic in Belarus.

118. All violations and abuses described by the United Nations High Commissioner for Human Rights in 2011 in a report which prompted the international community to establish the mandate are still occurring, a few at a lesser intensity, while a large majority of them are still to be tackled.

119. The main reason is the authorities' wish for the maintenance of the status quo. Dire geopolitical tension engulfing the region makes their endeavours less contested by the population deprived of its human rights than it would be without the menace of violent conflict. Nevertheless, the geopolitical context is neither a legitimate reason nor a tenable one for curbing basic freedoms and rights.

120. The Government has been using a number of measures to claim progress on the human rights front, but the measures remain of a cosmetic nature in view of the findings of the Rapporteur and of other mechanisms.

121. Globally respected writer and persecuted former presidential candidate Uladzimir Niakliaeu, in an interview that the Rapporteur conducted via personal email, expressed the view that respect for human rights was incompatible with the high level of concentration of powers — legislative, executive, military, economic and cultural — assumed in the hands of the executive, who had been the incumbent for more than two decades. The Rapporteur agrees, but believes that it is precisely his near absolute power over all aspects of life in Belarus that could enable the President to provide the initial impetus to bring the human rights situation out of its frozen state. Obviously, any further or sustainable progress in the enjoyment of the rights of Belarusians cannot rely on concessions, and that stage of development could only be the result of activities of citizens themselves.

122. During his mandate, the Special Rapporteur was particularly impressed by the work of independent journalists and human rights defenders, especially women, who

[45] Alternative report to the Committee against Torture at its sixty-third session. Available at www.ecnl.net/en/file/local/1432001/1930_1525867835_int-cat-css-blr-30787-e.docx.

[46] United States Department of State, "Country report on human rights practices 2017 — Belarus".

[47] Radio Free Europe-Radio Liberty, "Belarus calls same-sex relationships 'fake' after U.K. raises rainbow flag", 21 May 2018. Available at www.rferl.org/a/belarus-calls-same-sex-relationships-fake-after-u-k-raises-rainbow-flag/29240532.html.

are at the forefront of claiming their rights. Their brave engagement with the mandate stood in contrast to the authorities' disdain for this human rights mechanism created by the international community. Progress will not arrive without the authorities' engagement with Belarusian civil society. No dialogue with the international human rights community can substitute for dialogue with the domestic one.

123. The Special Rapporteur welcomes the continuation of the mandate by the Human Rights Council. In addition to the recommendations that he made in his previous reports, he further recommends that the authorities of Belarus:

(a) **Refuse to allow the entry into force of the latest amendments to the law on mass media;**

(b) **Stop harassing independent journalists, and ensure the protection and safety of journalists;**

(c) **Allow for nationwide private media;**

(d) **Move from an authorization-based system to a notification-based system for independent media, associations, trade unions and political parties;**

(e) **Allow for public debate, including with human rights defenders and environmental activists, on issues that affect the population of Belarus;**

(f) **Release the trade unionists and political opponents currently held in custody and drop the charges against them, as they are politically motivated;**

(g) **Withdraw article 193-1 of the criminal code, which penalizes any public activity of non-registered organizations in any form, and not replace it by administrative punishments;**

(h) **Conduct a thorough review of all legislation and make it compliant with the human rights instruments to which Belarus is a party;**

(i) **Engage constructively with the Human Rights Committee during its review scheduled for the 124th session of the Committee;**

(j) **Abolish the death penalty, or at least adopt a moratorium without further delay;**

(k) **Establish a national human rights institution that is compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) of independent status and inclusiveness towards civil society;**

(l) **Institutionalize engagement with civil society organizations in working towards the fulfilment of the country's human rights obligations, including by implementing the recommendations made by the Human Rights Council and the Committee against Torture in 2018;**

(m) **Develop the inter-agency action plan by involving non-governmental human rights organizations, even those which are not accredited;**

(n) **Stop harassing human rights defenders and other members of civil society, protect them and publicly acknowledge their positive role and engage with their work, in accordance with General Assembly resolution 72/247, on the twentieth anniversary of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.**

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Letter dated 12 September 2018 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Upon the instructions of my Government, I am transmitting herewith the record of the ceasefire violations by the Azerbaijani armed forces along the State border of the Republic of Armenia during the month of August 2018 (see annex I).**

I am also transmitting herewith the ceasefire violations registered by the Ministry of Defence of the Republic of Artsakh (Nagorno-Karabakh Republic) during the month of August 2018 (see annex II).**

I kindly request that the present letter and its annexes be circulated as a document of the seventy-third session of the General Assembly, under agenda item 34, and of the Security Council

(*Signed*) Mher **Margaryan**
Permanent Representative

* A/73/150.
** The annexes are being circulated in the language of submission only.

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Annex I to the letter dated 12 September 2018 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Violations of the ceasefire by the armed forces of the Republic of Azerbaijan along the State border with the Republic of Armenia, 1–31 August 2018

Date	*Direction*	*Incidents*	*Type of weapons/shots*
1 August	**Tavush and Vayots Dzor regions**	**8**	Small arms and light weapons: 45
	Aygedzor	2	Large-calibre sniper weapons: 40 (Yelpin)
	Chinari	3	Large-calibre machine guns: 151
	Aygepar	1	
	Vazashen	1	
	Yelpin	1	
2 August	**Tavush, Gegharkunik, Vayots Dzor and Ararat regions**	**7**	Small arms and light weapons: 240
			Small-calibre sniper weapons:
	Chinari	1	Large-calibre sniper weapons: 70 (Yelpin 60; Areni 10)
	Jil	1	
	Yelpin	2	Large-calibre machine guns: 465
	Areni	1	
	Zangakatun	2	
3 August	**Tavush and Ararat regions**	**7**	Small arms and light weapons: 91
	Chinari	1	Small-calibre sniper weapons: 7
	Aygedzor	1	
	Paravakar	1	
	Vazashen	3	
	Tigranashen	1	
4 August	**Gegharkunik region**	**2**	Small arms and light weapons: 150
	Jil	2	Small-calibre sniper weapons: 35 (Jil)
5 August	**Ararat region**	**1**	Small arms and light weapons: 15
	Tigranashen	1	Small-calibre sniper weapons: 10
6 August	**Tavush, Gegharkunik and Ararat regions**	**3**	Small arms and light weapons: 305
			Large-calibre machine guns: 20
	Aygedzor	1	
	Artanish	1	
	Yeraskh	1	
7 August	**Vayots Dzor and Ararat regions**	**2**	Small arms and light weapons: 48
	Areni	1	
	Zangakatun	1	
8 August	**Gegharkunik, Vayots Dzor and Ararat regions**	**3**	Small arms and light weapons: 42
			Large-calibre machine guns: 25
	Vahan	1	
	Areni	1	
	Zangakatun	1	
9 August	**Tavush and Gegharkunik regions**	**2**	Small arms and light weapons: 20

Date	*Direction*	*Incidents*	*Type of weapons/shots*
	Chinari	1	
	Jil	1	
10 August	**Tavush and Gegharkunik regions**	**13**	Small arms and light weapons: 185
	Aygedzor	1	Small-calibre sniper weapons: 40
	Chinari	7	Large-calibre sniper weapons: 1 (Chinari)
	Paravakar	1	Large-calibre machine guns: 93
	Vazashen	1	
	Kirants	1	
	Barekamavan	1	
	Jil	1	
11 August	**Vayots Dzor and Ararat regions**	**9**	Small arms and light weapons: 230
	Areni	1	Small-calibre sniper weapons: 45
	Khndzorut	1	Large-calibre sniper weapons: 65 (Zangakatun)
	Zangakatun	7	Large-calibre machine guns: 150
12 August	**Tavush, Gegharkunik, Vayots Dzor and Ararat regions**	**11**	Small arms and light weapons: 294
			Small-calibre sniper weapons: 34
	Movses	2	Large-calibre sniper weapons: (Zangakatun 240; Jivanavan 15; Barekamavan 3)
	Barekamavan	1	
	Jivanavan	1	Large-calibre machine guns: 80
	Yelpin	1	
	Zangakatun	6	
13 August	**Tavush, Gegharkunik and Ararat regions**	**6**	Small arms and light weapons: 10
			Large-calibre sniper weapons: 80
	Chinari	1	(Zangakatun 50; Jivanavan 30)
	Movses	1	Large-calibre machine guns: 70
	Aygepar	1	
	Jivanavan	1	
	Yeraskh	1	
	Zangakatun	1	
14 August	**Tavush and Ararat regions**	**9**	Small arms and light weapons: 2
	Chinari	3	Small-calibre sniper weapons: 11
	Movses	2	Large-calibre sniper weapons: 135 (Movses 5; Zangakatun 130)
	Zangakatun	4	
15 August	**Tavush, Gegharkunik and Ararat regions**	**7**	Small arms and light weapons: 35
			Large-calibre sniper weapons: 143 (Paravakar
	Paravakar	1	12; Tigranashen 3; Zangakatun 128)
	Vazashen	1	Large-calibre machine guns: 40
	Jivanavan	1	
	Zangakatun	3	
	Tigranashen	1	
16 August	**Gegharkunik, Vayots Dzor and Ararat regions**	**3**	Small arms and light weapons: 37
			Large-calibre sniper weapons: 13 (Areni 8;
	Chambarak	1	Zangakatun 5)
	Areni	1	
	Zangakatun	1	

Date	*Direction*	*Incidents*	*Type of weapons/shots*
17 August	**Tavush, Vayots Dzor and Ararat regions**	**14**	Small arms and light weapons: 591 Small-calibre sniper weapons: 26
	Chinari	1	Large-calibre sniper weapons: 70 (Zangakatun)
	Movses	2	Large-calibre machine guns: 175
	Paravakar	1	
	Kayan	3	
	Sevkar	1	
	Voskepar	1	
	Areni	1	
	Yelpin	2	
	Zangakatun	2	
18 August	**Tavush, Syunik, Gegharkunik, Vayots Dzor and Ararat regions**	**20**	Small arms and light weapons: 631 Small-calibre sniper weapons: 50
	Aygedzor	2	Large-calibre sniper weapons: 278 (Pambak 13; Daranak 30; Zangakatun 234; Tigranashen 1)
	Chinari	2	Large-calibre machine guns: 135
	Barekamavan	1	
	Chapni	1	
	Pambak	1	
	Daranak	1	
	Vahan	1	
	Bardzruni	1	
	Brnakot	1	
	Kajaran	1	
	Areni	1	
	Yelpin	1	
	Zangakatun	5	
	Tigranashen	1	
19 August	**Tavush, Gegharkunik, Syunik and Ararat regions**	**14**	Small arms and light weapons: 1557 Small-calibre sniper weapons: 50
	Chinari	1	Large-calibre sniper weapons: 108 (Zangakatun)
	Areni	2	Large-calibre machine guns: 200
	Yelpin	2	
	Yeraskh	2	
	Zangakatun	5	
	Tigranashen	2	
20 August	**Tavush and Gegharkunik regions**	**3**	Small arms and light weapons: 5
	Chinari	2	Small-calibre sniper weapons: 3
	Jivanavan	1	
21 August	**Tavush, Gegharkunik and Ararat regions**	**5**	Small arms and light weapons: 40
	Chinari	1	Large-calibre sniper weapons: 25 (Chinari 1; Zangakatun 24)
	Movses	1	
	Areni	1	
	Zangakatun	2	

Date	*Direction*	*Incidents*	*Type of weapons/shots*
22 August	**Tavush, Vayots Dzor and Ararat regions**	**10**	Small arms and light weapons: 272 Small-calibre sniper weapons: 76
	Aygedzor	1	Large-calibre sniper weapons: 61 (Sotk 10; Areni 50; Tigranashen 1)
	Chinari	1	
	Movses	3	
	Kolagir	1	
	Sotk	1	
	Areni	1	
	Chiva	1	
	Tigranashen	1	
23 August	**Tavush, Gegharkunik and Syunik regions**	**9**	Small arms and light weapons: 61 Small-calibre sniper weapons: 8
	Chinari	2	Large-calibre machine guns: 20
	Kayan	2	
	Koti	1	
	Jil	1	
	Geghamasar	1	
	Chambarak	1	
	Kajaran	1	
24 August	**Tavush, Vayots Dzor and Syunik regions**	**4**	Small arms and light weapons: 306 Large-calibre sniper weapons: 25 (Areni)
	Chinari	1	Large-calibre machine guns: 20
	Kolagir	1	
	Areni	1	
	Kajaran	1	
25 August	**Tavush, Gegharkunik, Vayots Dzor and Ararat regions**	**11**	Small arms and light weapons: 652 Small-calibre sniper weapons: 32
	N.Karmiraghbyur	1	Large-calibre sniper weapons: 6 (Avazan)
	Vazashen	1	
	Sevkar	1	
	Avazan	2	
	Vahan	2	
	Chiva	1	
	Zangakatun	3	
26 August	**Tavush, Gegharkunik, Vayots Dzor and Ararat regions**	**15**	Small arms and light weapons: 484 Small-calibre sniper weapons: 88
	Aygedzor	2	Large-calibre sniper weapons: 328 (Geghamasar 8; Vahan 10; Chiva 10; Areni 150; Yelpin 150) Large-calibre machine guns: 215
	Geghamasar	3	
	Kakhakn	1	
	Vahan	1	
	Chiva	1	
	Areni	1	
	Yelpin	3	
	Zangakatun	2	
	Paruyr Sevak	1	

Date	*Direction*	*Incidents*	*Type of weapons/shots*
27 August	**Tavush, Gegharkunik, Vayots Dzor and Ararat regions**	**5**	Small arms and light weapons: 138 Small-calibre sniper weapons: 10
	Aygedzor	1	Large-calibre sniper weapons: 20 (Geghamasar 15; Zangakatun 5)
	Geghamasar	1	
	Chiva	1	
	Zangakatun	1	
	Yeraskh	1	
28 August	**Tavush, Gegharkunik, Vayots Dzor and Ararat regions**	**8**	Small arms and light weapons: 115 Small-calibre sniper weapons: 25
	Aygedzor	1	Large-calibre sniper weapons: 55 (Areni 15; Zangakatun 40)
	Vahan	1	
	Areni	1	Large-calibre machine guns: 15
	Zangakatun	2	
	Yeraskh	3	
29 August	**Tavush and Ararat regions**	**6**	Small arms and light weapons: 139
	Aygedzor	1	Small-calibre sniper weapons: 30
	Areni	2	Large-calibre sniper weapons: 45 (Areni 43; Paruyr Sevak 2)
	Chiva	1	Large-calibre machine guns: 40
	Paruyr Sevak	1	
	Zangakatun	1	
30 August	**Tavush, Vayots Dzor and Ararat regions**	**6**	Small arms and light weapons: 21 Small-calibre sniper weapons: 5
	Chinari	1	Large-calibre sniper weapons: 110 (Areni)
	Kayan	1	Large-calibre machine guns: 110
	Kolagir	1	
	Areni	1	
	Paruyr Sevak	2	
31 August	**Tavush and Ararat regions**	**16**	Small arms and light weapons: 1255
	Aygedzor	3	Large-calibre sniper weapons: 4 (Paruyr Sevak)
	Chinari	3	Large-calibre machine guns: 50
	N.Karmiraghbyur	3	
	Aygepar	5	
	Dovegh	1	
	Paruyr Sevak	1	

Annex II to the letter dated 12 September 2018 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Violations of the ceasefire by the armed forces of the Republic of Azerbaijan on the line of contact with the Republic of Artsakh (Nagorno-Karabakh Republic), 1–31 August 2018

Date	*Direction*	*Incidents*	*Type of weapons/shots*
1 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	30	Small arms and light weapons: 374 Small-calibre sniper weapons: 3 Large-calibre sniper weapons: 25 (Karakhanbeyli: 7; Ashaghi Abdurakhmanli: 1; Marzili: 4; Kengerli: 13) Large-calibre machine guns: 51
2 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	17	Small arms and light weapons: 174 Small-calibre sniper weapons: 9 Large-calibre sniper weapons: 17 (Karvend: 4; Gjulistan: 13)
3 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	20	Small arms and light weapons: 331 Small-calibre sniper weapons: 10 Large-calibre sniper weapons: 1 (Kengerli: 1)
4 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	21	Small arms and light weapons: 192 Small-calibre sniper weapons: 9 Large-calibre sniper weapons: 5 (Gjulistan)
5 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	12	Small arms and light weapons: 233 Small-calibre sniper weapons: 10
6 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	37	Small arms and light weapons: 249 Small-calibre sniper weapons: 14 Large-calibre sniper weapons: 42 (Gjulistan)
7 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	16	Small arms and light weapons: 80 Small-calibre sniper weapons: 14
8 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	27	Small arms and light weapons: 293 Small-calibre sniper weapons: 7 Large-calibre sniper weapons: 1 (Sarijanli)
9 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	20	Small arms and light weapons: 311 Small-calibre sniper weapons: 10 Large-calibre sniper weapons: 3 (Verin Chaylu)
10 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	19	Small arms and light weapons: 254 Small-calibre sniper weapons: 9 Large-calibre sniper weapons: 2 (Korgan) Large-calibre machine guns: 10
11 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	23	Small arms and light weapons: 251 Small-calibre sniper weapons: 21 Large-calibre sniper weapons: 2 (Shikhlyar)

Date	*Direction*	*Incidents*	*Type of weapons/shots*
12 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	19	Small arms and light weapons: 137 Small-calibre sniper weapons: 28
13 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	17	Small arms and light weapons: 205 Small-calibre sniper weapons: 14 Large-calibre sniper weapons: 1 (Mchdili)
14 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	25	Small arms and light weapons: 123 Small-calibre sniper weapons: 9 Large-calibre sniper weapons: 11 (Shikhlyar: 2; Jraberd: 3; Gjulistan: 6)
15 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	14	Small arms and light weapons: 111 Small-calibre sniper weapons: 15 Large-calibre machine guns: 24
16 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	14	Small arms and light weapons: 87 Small-calibre sniper weapons: 23 Large-calibre machine guns: 37
17 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	31	Small arms and light weapons: 440 Small-calibre sniper weapons: 17 Large-calibre sniper weapons: 2 (Shikhlyar)
18 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	19	Small arms and light weapons: 102 Small-calibre sniper weapons: 6 Large-calibre sniper weapons: 5 (Shikhlyar) Hand Grenades: 2
19 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	20	Small arms and light weapons: 300 Small-calibre sniper weapons: 5
20 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	21	Small arms and light weapons: 213 Small-calibre sniper weapons: 5 Grenade launchers: 2
21 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	21	Small arms and light weapons: 137 Small-calibre sniper weapons: 8 Large-calibre machine guns: 15
22 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	19	Small arms and light weapons: 169
23 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	32	Small arms and light weapons: 766 Small-calibre sniper weapons: 15 Large-calibre sniper weapons: 16 (Jraberd: 14; Gjulistan: 2) Large-calibre machine guns: 210
24 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	20	Small arms and light weapons: 125 Small-calibre sniper weapons: 38
25 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	22	Small arms and light weapons: 253 Small-calibre sniper weapons: 4 Large-calibre sniper weapons: 19 (Ashaghi Abdurakhmanli)
26 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	23	Small arms and light weapons: 201 Small-calibre sniper weapons: 4

Date	*Direction*	*Incidents*	*Type of weapons/shots*
			Large-calibre sniper weapons: 12 (Shikhlyar)
27 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	6	Small arms and light weapons: 47
			Small-calibre sniper weapons: 6
28 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	16	Small arms and light weapons: 140
			Small-calibre sniper weapons: 7
			Large-calibre sniper weapons: 6 (Nuzgar: 2; Ashaghi Abdurakhmanli: 4)
29 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	21	Small arms and light weapons: 240
			Small-calibre sniper weapons: 3
30 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	17	Small arms and light weapons: 216
			Small-calibre sniper weapons: 17
31 August	On the line of contact between the armed forces of Artsakh and Azerbaijan	36	Small arms and light weapons: 521
			Small-calibre sniper weapons:14
			Large-calibre sniper weapons: 11 (Shikhlyar: 7; Seysulan: 4)
			Large-calibre machine guns:

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Seventy-third session
Item 20 (b) of the provisional agenda*
Sustainable development: follow-up to and implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States

Letter dated 4 September 2018 from the Permanent Mission of Tonga to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to convey herewith the report of the Pacific preparatory meeting for the midterm review of the SIDS Accelerated Modalities of Action (SAMOA) Pathway, which was held in Nuku'alofa, the Kingdom of Tonga, from 19 to 21 June 2018 (see annex).**

I should be grateful if you were to have the present letter and its annex circulated as a document of the General Assembly, under item 20 (b) of the provisional agenda.

(*Signed*) V. Va'inga **Tōnē**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

* A/73/150.

** The annex is being circulated in the language of submission only.

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Annex to the letter dated 4 September 2018 from the Permanent Mission of Tonga to the United Nations addressed to the Secretary-General

Report of the Pacific Preparatory Meeting for the Midterm Review of the SAMOA Pathway
Tonga, 19-21 June 2018

Report of the Pacific preparatory meeting for the Midterm Review of the SAMOA Pathway

I. Introduction

1. The Pacific preparatory meeting for the Midterm Review of the SAMOA Pathway was held in Tonga from 19-21 June 2018.

2. The meeting held five sessions. Session 1, which was on the overview of the implementation of the SAMOA Pathway in the Pacific, was chaired by H.E. Mr. Mahe 'Uli'uli Tupouniua, Secretary for Foreign Affairs of the Kingdom of Tonga; Session 2 on assessing progress – Achievement, Gaps and Challenges in the implementation of the SAMOA Pathway was chaired by H.E. Mr. Mahe 'Uli'uli Tupouniua, Secretary for Foreign Affairs of the Kingdom of Tonga. Session 3 on addressing development challenges through Partnerships was co-chaired by H.E. Ms. Lois M. Young, Permanent Representative of Belize to the United Nations, co-chair of the Steering Committee on Partnerships for SIDS and Mr. Micheal Tierney, representing H.E. Mrs. Geraldine Patricia Byrne Nason, Permanent Representative of Ireland to the United Nations, co-chair of the Steering Committee on Partnerships for SIDS. Session 4 on priority actions and strategies for implementation was chaired by H.E. Mr. Mahe 'Uli'uli Tupouniua, Secretary for Foreign Affairs of the Kingdom of Tonga; and Session 5 on the presentation and adoption of the draft Regional Outcome Document was chaired by H.E. Mr. Mahe 'Uli'uli Tupouniua, Secretary for Foreign Affairs of the Kingdom of Tonga.

3. The Outcome Document adopted by the Meeting is contained in annex I. The list of participants of the Meeting is contained in annex II.

II. Opening of the Meeting

4. Statements were made by H.E. Mr. Mahe 'Uli'uli Tupouniua, Secretary for Foreign Affairs of the Kingdom of Tonga, Ms. Fekitamoeloa Katoa 'Utoikamanu, Under-Secretary-General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, and H.E. Mr. 'Akilisi Pohiva, Prime Minister of the Kingdom of Tonga.

5. H.E. Mr. Mahe 'Uli'uli Tupouniua, Secretary for Foreign Affairs of the Kingdom of Tonga, in his welcoming remarks, recognised the important milestone of the Midterm Review of the SAMOA Pathway for the small island developing States (SIDS) in the Pacific, and in this regard, noted the importance of the outcome of the meeting for the region.

6 Ms. Fekitamoeloa Katoa 'Utoikamanu, Under-Secretary-General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States expressed appreciation to the Government of Tonga for hosting the meeting. She underscored the important role of the SIDS Conferences in renewing the impetus and commitment of the international community toward supporting the sustainable development aspirations of SIDS. She explained that the Midterm Review of the SAMOA pathway provides the opportunity to assess progress in achieving the ambitions set and to recommend what must be done through workable proposals for action. She also highlighted the need for the UN system to deliver, and reaffirmed the role of the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (OHRLLS) in mobilising collective support for SIDS.

7 H.E. Mr. 'Akilisi Pohiva, Prime Minister of the Kingdom of Tonga, recalled the important mandate of the Midterm Review to assess the progress in the implementation of the SAMOA Pathway and to seek renewed political commitment on the way forward. He noted that the agenda of the regional preparatory meeting would provide space for delegations to elaborate on where the region is, the progress, the challenges, the gaps and where it wishes to go for the remaining five years of the SAMOA Pathway. He underlined the critical importance of genuine and durable partnerships in the context of means of implementation of the three dimensions of sustainable development. He highlighted the need for inclusive and transparent deliberations, and welcomed the coordinated support of the UN agencies and regional organisations at the meeting. He conveyed the appreciation of the Government of Tonga to the development partners participating in the meeting.

11 Following the opening of the meeting, Member States adopted the agenda and organization of work of the Meeting.

III. Sessions

12. The Meeting held 5 sessions, which were comprised of presentations by facilitators and resource persons. These presentations were followed by interactive discussions.

Session 1: Overview of the Implementation of the SAMOA Pathway

13. The session was chaired by H.E. Mr. Mahe 'Uli'uli Tupouniua, Secretary for Foreign Affairs of the Kingdom of Tonga, and facilitated by Ms. Fekitamoeloa Katoa 'Utoikamanu, Under-Secretary-General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States. In this session, presentations were made by Ms. Heidi Schroderus-Fox, Director of OHRLLS and Mr. Sai Navoti, Chief of the SIDS Unit, Department of Economic and Social Affairs (DESA); Mr. Iosefa Maiava, Head, ESCAP Pacific Office; Ms. Peseta Noumea Simi, Pacific Islands Forum Chair Representative and CEO of the Ministry of Foreign Affairs and Trade, Samoa, and Ms. Ma'u Leha, Office of the Prime Minister, Tonga. This was followed by an interactive discussion, during which participants elaborated on the main issues in relation to the implementation of the SAMOA Pathway in the Pacific Region.

14. Ms. 'Utoikamanu introduced the session, which would provide the substantive background for the Meeting. She noted that the presenters would set the stage for

discussions during Meeting, providing an overview of the progress in implementing the SAMOA Pathway at the global, regional and national levels, and elements for consideration toward the elaboration of priority actions and strategies for accelerated implementation in the region

15. Ms. Schroderus-Fox provided an overview of Midterm Review process, informing of the mandate for the Review, and its preparatory meetings, as contained in United Nations General Assembly resolutions 71/225 and 72/217. She informed that the General Assembly mandated OHRLLS and DESA to provide substantive and organizational support to the four preparatory meetings: AIMS, Pacific, Caribbean and Interregional, and that OHRLLS and DESA had worked together with ESCAP in the preparations for the Pacific Meeting. She further informed that SIDS Ambassadors, during a retreat in New York in April 2018, agreed to a reporting template for the preparatory meetings, to be used by OHRLLS, DESA and regional commissions in the conduct of the Mid-Term Review. She emphasised the consistency needed in the regional reporting process, to assist with the synthesis and advancement of the SIDS position in preparation for the 2019 meeting. On the implementation of the SAMOA Pathway at the global level, Ms. Schroderus-Fox reaffirmed that SIDS remain a special case for sustainable development, and though some progress has been made by SIDS, much work still needs to be done. She highlighted the need to promote synergies in the implementation of the SAMOA Pathway and the series of global mandates adopted since the Conference in Samoa. She emphasized that the Midterm Review process provided an opportunity to put forward an action-oriented document for the accelerated implementation of the SAMOA Pathway. She also noted that OHRLLS has intensified its efforts in support of SIDS, including through a number of initiatives, such as the SIDS national focal point mechanism, and the Global Business Network.

16. Mr Navoti provided an overview of the mandate of DESA as it relates to SIDS, including the monitoring and review of the implementation of the SAMOA Pathway. He added that DESA provides support to SIDS delegations in intergovernmental processes, including the high-level political forum on sustainable development (HLPF) and that of the United Nations Framework Convention on Climate Change (UNFCCC), as well as technical and advisory support. Mr Navoti underscored the importance of the SAMOA Pathway, as the only agreed international agenda focusing on SIDS. He challenged the meeting to work toward a concise and action-oriented political declaration that reflects the progress made, identifies the challenges and gaps, and highlights the priority areas for the further implementation of the SAMOA Pathway.

17. Mr Maiava presented the Pacific regional paper outline that would serve as the basis of the Pacific Regional Report. He outlined a few key messages of the paper, noting its focus on the priorities of the region, including Timor Leste. He highlighted the challenges of the region in implementing the SAMOA Pathway, including the challenge of coordination and the weak links between national, regional and global processes. He added that there was a lack of ownership and no proper monitoring framework for the SAMOA Pathway, as well as limited engagement with relevant stakeholders. Mr Maiva noted that some progress was made in respect of regional policies and frameworks, with the assistance of regional organizations and CROP agencies, including in the areas of social inclusion, oceans, equitable economic growth, sustainable energy, sustainable tourism, and financing. He also noted, however, that moving forward, the region needed specific and clear mandates for implementation, particularly in the context of the repositioning of the UN

development system. He stressed that in order to accelerate the implementation of the SAMOA Pathway, SIDS specific targets and indicators are needed, in order to guide regional and national planning processes. He also stressed the need for suitable multi-stakeholder mechanisms, as well as enhanced development effectiveness, donor coordination and partnerships.

18. Ms. Simi made a presentation on behalf of the Pacific Island Forum (PIF), which provided an overview of the First Quadrennial Pacific Sustainable Development Report (PSDR). She noted that the goal in sharing the report was to bring together perspectives on priorities for the region in the implementation of the SAMOA Pathway. By way of background, Ms. Simi noted that in 2015, Pacific Leaders committed to implement the 2030 Agenda and Sustainable Development Goals (SDGs) to ensure that no one is left behind. She further noted that the report focused on how the 2030 Agenda and other key instruments are being implemented, recognizing the special vulnerabilities and challenges of the region, including with respect to statistics, partnerships, as well as integration, follow-up and review. Ms. Simi added that it is expectation that the process for the development and adoption of the report would be complementary to that of the review of the implementation of the SAMOA Pathway.

19. Ms. Leha gave an overview of the experience of the Kingdom of Tonga in the implementation of the SAMOA Pathway. Her presentation highlighted key milestones since 2015, including the development of the Tonga Strategic Development Framework (TSDF) 2015-2025, and the alignment of the TSDF with the SAMOA Pathway. Ms. Leha also noted that the mainstreaming and localization of the SAMOA Pathway had been undertaken, including the integration into corporate plans of line Ministries. Ms. Leha highlighted that going forward, further work will be done to break down silos and enhance coordination.

Summary of interactive dialogue

20. Participants underscored the importance of identifying priorities for the region in the context of the Midterm Review of the SAMOA Pathway, acknowledging existing regional mechanisms and the role of different stakeholders in the process. Participants also recognized the linkages to the repositioning of the UN development system, particularly as it relates to the review of the Multi-Country Offices and the enhancement of support to SIDS. In particular, participants highlighted the need for improvement across the UN system to implement the recommendations of the Joint Inspection Unit, regarding mainstreaming SIDS priorities across all UN programs and plans. Participants highlighted gaps not fully elaborated on in the regional report, including those related to climate change, climate and migration and budgetary support, and the need to also identify regional priorities in these areas. The need for measurable targets and indicators in the context of the SAMOA Pathway was also discussed, particularly in those areas not covered by the SDGs. Participants noted the importance of partnerships, and stressed the need for greater accountability and coordination. Participants also stressed the need for greater advocacy of the SAMOA Pathway and the need to forestall the risk of crowding out the SAMOA Pathway, in the context of the broader sustainable development agenda.

Session 2: Assessing Progress – Achievements, Gaps and Challenges in the implementation of the SAMOA Pathway

2(a) Social Inclusion

21. The sub-session was chaired by H.E. Mr. Mahe 'Uli'uli Tupouniua, Secretary for Foreign Affairs of the Kingdom of Tonga, and facilitated by Ms. Kuniselani Toelupe Tago-Elisara, Director for Social Development Programme, Secretariat of the Pacific Community (SPC). In this session, a presentation was made by the Facilitator, and interventions were made by the following resource representatives: Kiribati, Papua New Guinea, UNESCO, UNFPA, PIFS.

22. The Facilitator provided an overview of the realities of the region as it relates to social inclusion, using elements from the PSDR, where there were gaps in the SAMOA Pathway. The Facilitator noted that in the area of social development and inclusion, significant development challenges remain in the region. On gender equality and empowering women and girls, a growing level of awareness was observed in the region, with increased commitments to gender equality as well as steps to ensure gender responsiveness through policies, programmes and resource allocation. However, challenges remain in a number of areas, including as it relates to the participation of women in parliament, and the high prevalence of violence against women. On poverty, the Facilitator noted that across the region one in four lives below the poverty line, with children being disproportionately vulnerable. She noted that formal social protection only covers a certain part of the population, and that urbanization and migration have come with weakened community ties, leaving an increasing part of the population without adequate protection. On health, the Facilitator noted that the region is experiencing crisis levels as it relates to the incidence of non-communicable diseases (NCDs), including childhood obesity and stunting. She highlighted the region's efforts to combat NCDs, including the NCD Roadmap, and the Pacific legislative framework for NCDs. On Persons with Disabilities, the Facilitator noted that they are most marginalized group in the Pacific. She noted, however, that there is increasing awareness of and partnerships around disability issues, including with the advent of the Pacific Framework of Rights of Persons with Disabilities. On water and sanitation, the Facilitator noted that the strengthening of WASH facilities was critical to progress. On culture, the Facilitator noted that its importance has been recognized at the highest levels in the region. She noted that a development strategy was needed to realise the potential of the cultural and creative industries in promoting sustainable and inclusive growth.

23. The interventions of the resource representatives and ensuing discussion highlighted the following. The Voluntary National Review (VNR) process provides insights on the review on progress in implementing the SAMOA Pathway. There has been progress in developing social protection policies that address the SAMOA Pathway, but budgetary and coordination challenges persist. There is a need to clearly define what social inclusion means to the region, including the identification of data requirements in this regard. Community participation, including youth, women and elders, is necessary to promote social inclusion. The region needs to address persistent health challenges, including high costs of accessing health care, high levels of teenage pregnancy, and NCDs. The region also needs to prioritise disability issues, and continue to examine the drivers of social exclusion. WASH related projects and partnerships are important to address WASH related diseases and other challenges.

2(b) Environmental Integrity

24. The sub-session was chaired by H.E. Mr. Mahe 'Uli'uli Tupouniua, Secretary for Foreign Affairs of the Kingdom of Tonga, and facilitated by Mr. Espen Ronneberg, Climate Change Adviser, Secretariat of the Pacific Regional Environment Programme (SPREP). In this session, a presentation was made by the Facilitator, and interventions

were made by the following resource representatives: Palau, Marshall Islands, FAO, UNDP, SPC, PIFS.

25. The Facilitator provided an overview of progress of the region in implementing the SAMOA Pathway in the area of environmental integrity. He noted that the Pacific is a driving force in climate change and ocean related issues, bolstered by a forward-looking SAMOA Pathway, particularly as it relates to the 1.5°C global warming limit and Loss and Damage. He highlighted the need for an integrated and holistic approach to building resilience in the region, with clear linkages to implementation – an approach that would consider long-term issues such as climate change, disaster management, renewable, as well as emerging challenges like marine debris. The Facilitator also stressed the need to address challenges related to accessing climate resources. He noted that while there was some progress in simplifying access procedures, including by the Green Climate Fund (GCF), there was more work to be done in general to enhance access to concessional funding.

26. The interventions of the resource representatives and ensuing discussion highlighted the following: progress has been made in marine protection and management of oceans; however, partnerships in technology transfer for surveillance and monitoring EEZs are needed to ensure proper implementation, including as it relates to illegal fishing and piracy. Evidence of the adverse effects of climate change is increasing in the region, particularly in atolls, where sea-level rise and wave-driven flooding are having grave impacts on ground water resources. Loss and damage issues linked with slow onset events, such as long-term loss of biodiversity and implications for access to livelihoods, also need to be addressed alongside the increased intensity of extreme weather events. A long-term adaptation plan is needed in the region, looking at building resilience in infrastructure, developing research, technological and human capacities, addressing ocean acidification and loss of biodiversity, and even considering job creation and migration strategies. The Pacific needs to continue its leadership in the BBNJ process and the upcoming second UN Ocean Conference, to ensure that its interests are covered. Emphasis needs to be placed on the acceleration of the implementation of the FAO Global Action Programme for SIDS in the Pacific, including as it relates to other areas of the SAMOA Pathway such as NCDs. The region is developing a Pacific resilience facility, which will provide ease of access to funding and tackle fragmented financing flows. UN agencies need to continue to cooperate with CROP and regional agencies to ensure implementation.

2(c) Equitable Economic Growth

27. The sub-session was chaired by H.E. Mr. Mahe 'Uli'uli Tupouniua, Secretary for Foreign Affairs of the Kingdom of Tonga, and facilitated by Mr. Iosefa Maiava, Head of ESCAP Pacific Office. In this session, a presentation was made by the Facilitator, and interventions were made by the following resource representatives: Nauru, UNDP, PIFS, SPC, IOM, PIDF, ILO, SPTO.

28. The Facilitator outlined the section of the draft Pacific regional paper outline, pertaining to equitable economic growth. He noted that the achievements, gaps and challenges in the paper would require further enhancement, based on the discussion at the meeting. The Facilitator noted that the SAMOA Pathway recognizes "that the ability of SIDS to sustain high levels of economic growth and job creation have been adversely affected by the ongoing impact of global economic crisis, declining foreign direct investment, trade imbalances, increased indebtedness, adequate of transport, energy, and ICT infrastructure networks, limited human and institutional capacity, and inability to integrate effectively into the global economy" (para. 23). In this regard, the Facilitator noted that the discussion at the MTR needs to speak to these

issues. On sustainable transport, the Facilitator noted that the Pacific was the least connected (a third of average of developing counties) of the world's regions with high cost (10% of value of international imports). There was concern with growing gap between ambition (below 2°C) and carbon emissions of the transport sector. He highlighted regional frameworks and policies established to address key gaps in regional infrastructure, and pointed to the need for better reporting of implementation and on commitments to lower emission rates. On ICT connectivity, the Facilitator noted despite the recent up-swings in submarine cable investment and policy reforms, the broadband divide was widening outside and within the Pacific while affordability (5% or less of GNI) was restricted to a minority of countries. On sustainable energy, the Facilitator noted that the draft paper again focuses assessment on the uptake of renewable energy and affordability. He emphasized that the Pacific is largely carbon intensive and is one of the most fuel-imported dependent regions. It faces the challenges of affordability which is due to having small and remote markets. On sustainable tourism, the Facilitator noted that many Pacific SIDS have strategies in place, and that the MTR discussion should focus on gaps between strategies, policies and implementation. On migration and remittances, the Facilitator stressed that this remains a significant issue for several SIDS in the Pacific, constituting over 50% of external financial inflows for some economies. He added that the SAMOA Pathway and the SDGs both note that remittance transfer fees (higher than 5% of remitted amount and averaging at 9-10%) are a significant issue that remains to be fully addressed.

29. The interventions of the resource representatives and ensuing discussion highlighted the following. Integration of the SAMOA Pathway into national plans is a significant challenge, due to lack of funding and investment, staff capacity, coordination and understanding of the work involved. Efforts are underway to increase the relevance of the SAMOA Pathway, through different activities including support to sectors responsible for planning, implementation and monitoring. The issue of equitable economic growth should be the focus of the SAMOA implementation over the next few years, with inclusive growth and decent jobs at the centre. Enhancement of knowledge-sharing and peer-to-peer learning mechanisms among SIDS should assist to this. The region may wish to focus on the development of an inter-governmental structure for ICT, toward digital transformation and inclusive growth. The region must also invest in itself, though initiatives like the Pacific Catastrophe Risk Assessment and Financing Initiative (PCRAFI), which is owned and shared by five Pacific Island Countries, with a multi-trust fund that is held by the World Bank. Further work needs to be done regarding the recognition of SIDS in terms of eligibility for concessional financing, including through the OECD and implementation of the relevant JIU recommendation. Improving energy efficiency, including through renewable energy, continues to be a challenge for some Pacific countries, as well as the environmental issues linked to energy use in the transportation sector in particular. Sustainable tourism cuts across all the priority areas of the SAMOA Pathway and integrated implementation could be addressed through a sustainable tourism lens.

2(d) Means of Implementation

30. The sub-session was chaired by H.E. Mr. Mahe 'Uli'uli Tupouniua, Secretary for Foreign Affairs of the Kingdom of Tonga, and facilitated by Ms. Simona Marinescu, UN Resident Coordinator, Pacific Multi-Country Office, Samoa. In this session, a presentation was made by the Facilitator, and interventions were made by the following resource representatives: Samoa, Vanuatu, ESCAP, PIFS, SPC, UNDP.

31. The Facilitator noted that means of implementation is defined throughout various parts of the SAMOA Pathway and includes partnership, financing, trade, capacity-building, technology, data and statistics, institutional support, monitoring and accountability. The Facilitator noted that with respect to partnerships, there are four main pillars to support implementation: the Steering Committee on SIDS Partnerships; the Global Multi-Stakeholder SIDS Partnership Dialogue; a standardized partnership reporting process managed by UNDESA; and regional and national SIDS multi-stakeholder partnerships. The Facilitator informed that there are about 315 registered partnerships, about 1/3 in SIDS in the Pacific, concentrating on areas such as knowledge transfer and disaster resilience. Partnerships in the region involve governments and CSOs, and entities leading the partnerships include Australia, New Zealand, European Union, USA, and multilateral development banks. She noted that the partnerships system is lacking when it comes to assessment of partnership effectiveness, and that more analysis is required; however, data also shows that there is good potential to build partnerships for SIDS in the Pacific. On financing the Facilitator noted that instruments should focus on expansion of domestic resources, with countries deciding on the priorities. She noted that UNDP is monitoring instruments, such as countercyclical loans, with a view to attracting investment funds to support blue growth. The Facilitator noted that trade in the region remains limited, with SIDS in the Pacific accounting for 1.6% participation on global exports, and 1.7% on imports. She added that trade agreements are being negotiated in the region, and a series of instruments in place, but that there are constraints that are difficult to overcome, unless there is more technological innovation. On capacity building, the Facilitator noted that the emphasis of the region on strengthening capacities and diversifying skills development. She added that technology remains an area of priority, and that UN agencies want to mobilize resources with countries to make sure that technology is driving progress in the region. Countries recognize the high importance of cyber-security and Samoa has made the offer to build a cyber-security center, with other countries. The Facilitator noted that countries in the region have national statistical plans, and that the UN looks forward to engaging in order to further develop these plans and mobilize resources. Kiribati is conducting its VNR this year and more SIDS in the Pacific will do so in 2019. Indicators have been selected from SDGs that connect all the global commitments and the SAMOA Pathway together. The Facilitator noted that UN agencies will support the integration of indicators into national frameworks.

32. The interventions of the resource representatives and ensuing discussion highlighted the following. The region recognizes the importance of trade, particularly aid for trade, and the need for trade strategies that build productive capacity and link trade efforts more closely to poverty reduction and inclusiveness. The region also recognizes the importance of data and statistics, and localizing SDG indicators. There is a need to develop national indicator databases, to help with meeting reporting obligations for international agreements. There is a need for greater UN presence in the north Pacific, as the multi-country office in Fiji is not sufficient. South-South cooperation also offers opportunities for SIDS in the Pacific to advance knowledge and implementation of the SAMOA Pathway.

Session 3: Addressing Development Challenges through Partnerships

33. This session was co-chaired by Ms. Lois M. Young, Permanent Representative of Belize to the United Nations, co-chair of the Steering Committee on Partnerships for SIDS, and Mr. Micheál Tierney, representing Mrs. Geraldine Patricia Byrne Nason, Permanent Representative of Ire'and to the United Nations, co-chair of the

Steering Committee on Partnerships for SIDS. The session also represented the SIDS Regional Partnership Dialogue for the Pacific, and was held to support SIDS in their deliberations around partnerships in the context of the preparatory process of the SAMOA Pathway Midterm review. The dialogue was structured around three distinct but inter-related segments: Developing genuine and durable partnerships – good practices and lessons learned; Identifying and addressing the gaps through partnerships for SIDS; and Strengthening the review and monitoring process of partnerships for SIDS.

34. Developing genuine and durable partnerships – good practices and lessons learned. The segment heard presentations from the Pacific Island Forum Secretariat on their analysis and mapping of partnerships, and from UN-DESA on the SIDS Partnerships Framework. In addition, the following partnerships presented their experiences: United Nations Population Fund (UNFPA); Pacific Youth Development Framework Partnership (PYDF Partnership); and Mare Nullius' Sea-level Rise and Maritime Sovereignties in the Pacific - An Expanded Anthropology of Climate Change. The speakers highlighted that while SIDS have primary responsibility for their own development, they also require enhanced global partnerships and support. Many Pacific SIDS partnerships demonstrate how important ideas from the global level can be taken up regionally, but also how many partnerships grow from the grassroots providing a bottom-up perspective to regional partnerships. This results in local community experiences and ideas guiding many partnerships, and partnerships having strong ownership at the local level. The interplay between local, regional and global ensures that the Pacific voice is heard in global conversations.

35. Other ideas relating to partnerships that were highlighted during the presentations and discussion included the following: Partnerships can combine research from different disciplines and knowledge systems; Large partnerships can be combined into a number of smaller ones to make them easier to manage; It is better to focus on the quality of partnerships rather than quantity, and it is important to also learn from those partnerships that don't work; Civil society can make an important contribution to partnerships, bringing to the partnership a homegrown perspective and experience of a lifetime. As civil society often represents those that are marginalized, they also ensure that no one is left behind; and Partnerships need to be accountable to their beneficiaries and maintaining dialogue with communities throughout the lifetime of the partnership is important.

36. The segment also discussed the qualities of successful partnerships as well as challenges, which included the following points: Success of partnerships depends on national ownership, mutual trust, transparency and accountability – in other words open and honest relationships. Without ownership by all partners, a partnership is not sustainable. Successful partnerships have a clear mandate and focused objectives. Funding also needs to be clarified and tailored to meet the objectives and will need to be long-term and sustained. Inclusion and innovation need to be part of a successful partnership, and partnerships need to ensure that no one is left behind. Critical ingredients to ensure impactful partnerships need to be itemized, including identification of responsibilities of partners, of beneficiaries, of funding and in-kind support. Challenges to partnerships include resources and funding, ensuring that the right people with the right expertise are involved in each partnership, and following through so that commitments filter to communities. Challenges also include practical working arrangements and scheduling issues, particularly where there are multiple partners from different entities and islands.

37 Identifying and addressing gaps through partnerships for SIDS – summary and key messages: This segment focused on gaps in partnerships and looked at the priority areas where further partnerships could be forged for the sustainable development of SIDS in the Pacific Region. The session also addressed the types of partners from sectors and groups that are underrepresented in partnerships in the region. The segment heard presentations from UN DESA and from the Pacific Islands Forum Secretariat (PIFS) relating to the status of SIDS partnerships both globally and in the Pacific. The segment also heard perspectives from the following partnerships: Pacific Islands Private Sector Organization (PIPSO), and Pacific Adaptation for Climate Change (PACC) Project. The speakers highlighted that the Pacific has a larger number of partnerships than other SIDS regions, but that the numbers reported vary depending on the source. In addition, governments may be unaware of some of the existing partnerships, and the level of awareness, available data and reporting need to be improved. PIFS has identified 304 partnerships to implement the SAMOA Pathway, with the bigger island states generally having more partnerships. Many partnerships have finished their work, or are closing, and some that have reported being "on track" have passed their year of delivery. Thus, there is a need to undertake a full review of the Pacific partnerships and their status, and remove those that are no longer active. There have been good efforts in aligning regional frameworks down to the indicators level. The existing partnerships are broadly aligned with regional priorities on oceans, with climate change and economic development also well represented. SAMOA Pathway priorities such as poverty, equality, peace and human rights are not as prominently addressed and may need more attention. In addition, the content, quality and effectiveness of partnerships is important, and the ongoing in-depth analysis of partnerships undertaken by UN DESA should also seek to go beyond numbers to look at what is needed to build effective partnerships.

38 With regard to underrepresented partners, there is a need for meaningful private sector engagement and for building business networks and coalitions. In the Pacific, the private sector tends to consist mostly of small and medium-sized enterprises rather than large private sector bodies, and the private sector has promoted social inclusion through women in leadership positions, and by being a provider of jobs for people with disabilities. Going forward, there is a need to strengthen national private sector bodies, data and statistics; undertake collaborations with universities to articulate private sector research needs; and engage with non-traditional investment, such as impact investment.

39 In reference to the Pacific Adaptation for Climate Change (PACC) Project, which has now closed, it was noted that there was a still need to maintain access to the extensive number of studies, documentation and publications that were collected. This is likely the case with many closed projects, which can offer important information and lessons learned. In addition, while this project was successful, its implementation was limited to a few sites. Thus, there is a general need to expand successful pilot projects and develop full projects for implementation.

40 In addressing gaps in partnerships, the participants in the segment emphasized the following points. There is a need to further examine lessons learned from genuine and durable partnerships and main challenges in implementation, in order to improve the ongoing in-depth analysis of SIDS partnerships. There is also the need to examine the potential to mobilize future partnerships to target under-addressed priorities in the Pacific. The current processes related to the SIDS partnership framework need to be assessed and strengthened as part of the mid-term review, to allow it to better fulfil its mandate of monitoring and reviewing existing partnerships, act as a platform for

stimulating the launch of new partnerships for SIDS, and ensuring an annual, action-oriented, results focused Global Multi-Stakeholder SIDS Partnership Dialogue. The SIDS partnership framework should also include SIDS partnerships from other processes, such as relevant voluntary commitments announced during the UN Ocean Conference among others. The SIDS Action Platform should also clearly indicate the status of partnerships and archive those that are complete. There are many different types of partnerships registered, and they would need to be categorized and assessed differently, e.g. separating projects from partnerships, distinguishing between regional and international partners, and funding amounts. Enhanced engagement with private sector is important, as the private sector is the future for investing resources into the SDGs. In order to strengthen partnerships in the region, it is important to move incrementally from stand-alone project-based support from partners, toward more program-based support, and also toward more sector budget support and general support as well as greater accountability through common assessment measures.

41. Strengthening the review and monitoring process of partnerships for SIDS – summary and key messages. This segment's objective was to review the current processes for monitoring the progress of partnerships for SIDS, and to consider how monitoring and review and the participation of stakeholders in these processes could be improved. The segment heard presentations from the following partnerships: Global Action Program (GAP) on Food for SIDS, Coral Triangle Initiative (CTI), Pacific Islands Universities Research Network (PIURN). The issues highlighted in these discussions included the following. The Pacific region faces oversized burden on food security, nutrition, and health issues including long-established and emerging NCDs. Trade is critical to addressing these issues, and it also has potential for generating income and empowering women. A good system of governance is important for partnership success, as is a strong sense of ownership of the project by partners and member countries. Support from the highest political levels, mainstreaming partnership work to that of government departments, and basing work on science and quantitative goals are also important. Universities are important development partners and play a critical role in promoting local wisdom and producing new knowledge to address regional challenges.

42. This segment agreed that partners, including civil society organizations, private sector, and universities have made significant contribution to sustainable development in the region. Ongoing monitoring and review of partnerships continues to be a challenge for effective implementation of the SAMOA Pathway. Better reporting is needed not only from UN agencies, but also from Member States. Information flows and coordination between the global level and SIDS on the national level require improvement in the context of the Midterm review. Lack of monitoring leads to weak intervention, reporting, and contribution by SIDs in the Pacific at high-level events. Effective monitoring and review are dependent on active participation of all partners, and partners with a sense of ownership are more likely to actively contribute.

43. To facilitate effective review and monitoring of SIDS partnerships, it is important that the reporting process does not place an undue burden on partners. The reporting burden could be reduced by *Linking monitoring and review of partnerships with monitoring that is already being undertaken by existing regional processes and frameworks*. This also ensures that national and regional actions will be captured at a higher level. *Developing a strong governance structure for the partnership, including mainstreaming the partnership into governmental processes and departments, and*

thus facilitating participation and monitoring. To facilitate effective support from the UN system to SIDS, the following suggestions were heard: Development of a report card to monitor support from the UN system, as a whole and from UN agencies and programs to SIDS. The UN reform presents an opportunity to review the regional architecture to ensure appropriate and sustainable responses from the UN system to regional challenges. The segment confirmed that effective coordination of partnerships is critical to the successful implementation of the SAMOA Pathway, and that each challenge and priority area needs a tailored partnership to generate the right responses.

Summary of key points from the partnership dialogue

44. At the end of the partnerships dialogue, the co-chairs highlighted the following key points and expectations as take-away messages from the dialogue: Categorize partnerships on record, by distinguishing discrete partnerships arranged according to type, from development assistance type partnerships, multilateral-mandated events and meetings – and that these be on the International Aid Transparency Initiative standard. Need to prioritize our needs within the existing priorities, and identify the partnerships that match those priorities. Itemize critical ingredients that will make a partnership have an impact e.g. identify the partners and their responsibilities, the beneficiaries to partners so that the most vulnerable are assisted and no one is left behind, identify the funding or in-kind support needed, and develop plans for engaging at the grass-root level to ensure buy-in. Include the takeaways from this partnership dialogue in the results of the Pacific preparatory meeting (19-21 June 2018), so that the deliberations over the three days will inform the upcoming inter-regional meeting in Samoa in October 2018.

Session 4: Priority Actions and Strategies for Implementation

45. The session was closed to Member States for the consideration of the outcome of the Meeting.

Session 5: Presentation and Adoption of the Draft Regional Outcome Document

46. This last session was chaired by H.E. Mr. Mahe 'Uli'uli Tupouniua, Secretary for Foreign Affairs of the Kingdom of Tonga, who introduced the draft outcome of the meeting for adoption. The representatives of SIDS in the Pacific agreed and adopted the Nuku'alofa Outcome Document: Monitoring Accountability and Transformation. The outcome document is provided in Annex I.

IV. Conclusions of the Meeting

47. The Pacific Regional Preparatory Meeting came to a successful conclusion following the consideration and adoption of the Nuku'alofa Outcome Document: Monitoring Accountability and Transformation (see annex I).

V. Closing of the Meeting

48. At the closing of the Conference, the meeting heard statements by H.E. Ms. Marianne Hagen, State Secretary of Norway; Ms. Fekitamoeloa Katoa 'Utoikamanu,

Under-Secretary-General and High Representative, UN-OHRLLS, and by H.E. Mr. Mahe 'Uli'uli Tupouniua, Secretary for Foreign Affairs of the Kingdom of Tonga.

49. H.E. Ms. Marianne Hagen noted that the SAMOA Pathway's focus on issues such as health, gender, social inclusion, climate change and healthy oceans corresponds to Norway's priorities, which is why the country has engaged as a partner and lead-donor in the Midterm Review process. She noted that the SIDS and Norway have much in common, and are best served by strong multilateral organizations, where all voices can be heard. She highlighted Norway's support for SIDS in areas, particularly climate change and oceans.

50. Ms. Fekitamoeloa Katoa 'Utoikamanu congratulated the SIDS inthe Pacific on the successful conclusion of the meeting, noting the emphasis on the importance of prioritizing the implementation of the SAMOA Pathway in the region, given that it serves as the international framework to address the specific vulnerabilities, needs and priorities of SIDS. She also noted that the meeting identified common priority areas for actions which will guide the group throughout the preparatory process and towards the high-level Mid-Term Review next year. Ms. 'Utoikamanu highlighted some of the key messages of the meeting and assured of the support of the United Nations system in the process of accelerating progress toward the sustainable development of SIDS.

51. H.E. Mr. Mahe 'Uli'uli Tupouniua noted that the meeting assessed the region's progress from the inception of the SAMOA Pathway in 2014, identifying achievements to date, the challenges that remain, the gaps that exist, and where the regions would wish to go in the remaining five years in the life of the SAMOA Pathway. He emphasized that, with the adoption of the Nuku'alofa Outcome Document and the regional report to be completed by end-July, the Pacific would be in good stead to engage with the AIMS and Caribbean at the inter-regional meeting, to create and outcome document for SIDS reflecting the combined interests of the regions at the half way point of the implementation of the SAMOA Pathway. He thanked Heads of Delegation and delegates for their represeniation, the United Nations agencies for organizing the meeting, regional organizations and civil society organizations for their contributions to the meeting, and all support staff for their technical and logistical assistance.

52. The Meeting was adjourned at 4.20 p.m. on 21 June 2018.

Annex I

Outcome

THE NUKU'ALOFA OUTCOME DOCUMENT:
MONITORING ACCOUNTABILITY AND TRANSFORMATION
Pacific SIDS Regional Preparatory Meeting,
Nukualofa, Tonga, 19-21 June 2018

1. Representatives of the Small Island Developing States (SIDS) in the Pacific met in Nuku'alofa, Tonga, from 19 to 21 June 2018 in preparation for the inter-regional preparatory meeting, and the one-day High-Level Conference on the Mid-Term Review (MTR) of the SAMOA Pathway to be held in New York in September 2019, as mandated by the UNGA Resolutions 70/292, 71/225 and 72/217. The Pacific regional preparatory meeting ('the Meeting'), for the SAMOA Pathway Mid-Term Review was attended by participants from Federated States of Micronesia, Fiji, Independent State of Samoa, Kiribati, Nauru, Palau, Papua New Guinea, Republic of Marshall Islands, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu. Regional organisations, civil society, academia and the private sector also participated as observers.

Session 1: Overview of the Implementation of the SAMOA Pathway in the Pacific

2. In recognising the need for enhanced implementation of the SAMOA Pathway, the Meeting recalled that SIDS are a 'special case' for sustainable development which was first recognized by the international community in 1992. It underscored that the SAMOA Pathway reaffirmed the commitments made in the Barbados Programme of Action and the Mauritius Strategy, providing a blueprint for action by the international community to achieve the sustainable development aspirations of SIDS, which is reaffirmed *inter alia* by the 2030 Agenda, the Paris Agreement, the Sendai Framework for Disaster Risk Reduction, and the Addis Ababa Action Agenda.

3. The Meeting assessed progress in implementing the SAMOA Pathway for SIDS in the Pacific, noting achievements, gaps and challenges.

4. The Meeting provided an invaluable opportunity for SIDS in the Pacific to share their national experiences and best practices as well as identify opportunities to address major challenges at this important juncture in the implementation process. The Member States also emphasised the importance of full ownership and leadership of their sustainable development priorities with the support of global and regional partners. This was discussed under the three broad pillars of: sustainable development as well as the means of implementation including through partnerships.

5. The Member States stressed the need to further strengthen the monitoring and accountability of the SAMOA Pathway. In this regard they underscored the important role of the General Assembly, the Economic and Social Council, and their subsidiary bodies including the monitoring frameworks of the regional commissions to monitor the full implementation of the SAMOA Pathway in full collaboration with regional and sub-regional organizations and partners in the region.

6. The Meeting acknowledged the *Pacific Roadmap for Sustainable Development* as the integrated framework to guide the response of the Pacific region to the 2030 Agenda for Sustainable Development, the SAMOA

Pathway and the Framework for Pacific Regionalism. In this regard, they recalled the importance of prioritising implementation of the SAMOA Pathway in the region given that it serves as the international framework to address the specific vulnerabilities, needs and priorities of SIDS. Mindful of the theme of the Third International Conference on SIDS, the Meeting also recalled the importance of genuine and durable partnerships and called for an increase in all forms of meaningful partnerships with and for SIDS to accelerate the implementation of the SAMOA Pathway.

7. There was clear support for greater ambition and for stronger linkages between national, regional and global sustainable development processes and platforms. In this regard the efforts through the *Pacific Roadmap for Sustainable Development* to facilitate a regional approach to the implementation of the various global agreements on sustainable development was noted with appreciation. At the same time, the Meeting reaffirmed the need to maintain focus on the implementation of the SAMOA Pathway.

8. It was agreed that the 'Nuku'alofa Outcome Document,' together with the regional report and the report of the meeting, would also be reported to the intergovernmental preparatory meeting in Samoa.

Session 2: Assessing Progress – Achievement, Gaps and Challenges of the implementation of the SAMOA Pathway in the Pacific

9. The Member States recognized that progress has been made in the areas of social inclusion, environmental integrity and equitable economic growth at global, regional and national levels. However some challenges remain and further calls for the SIDS in the Pacific to acknowledge and embrace the challenges and gaps at the national level to address the SAMOA Pathway through innovative means.

***Social Inclusion* (Poverty and Inequality; Health and NCDs; Water and Sanitation; Gender and Disability; Quality of Education and Culture)**

10. In the context of implementation of the SAMOA Pathway, the Meeting recognized national and regional efforts to advance social inclusion however exclusion and inequality, particularly in relation to access to services and livelihood opportunities, continue to be a challenge for the Pacific.

11. The Member States reiterated that the Pacific is facing an epidemic of non-communicable diseases, which constrains development gains, and called for enhanced investment in health priorities under the SAMOA Pathway.

12. The Meeting noted the importance of adopting programmatic approaches to all sectors including water and sanitation in the region, especially in atoll nations, to address the range of issues around sea level rise, salt water intrusion and changes in rainfall patterns, and in this regard acknowledges the United Nations General Assembly launch of the Decade of Water for Sustainable Development 2018-2028.

13. Gender inequality remains a key challenge in the region, with the need to step up efforts to further promote gender parity and women's economic and political empowerment, as well as to address gender-based violence and gender justice, as underscored in the Pacific Leaders gender equality declaration and also addressing cultural constraints.

14. The Meeting noted that despite some gaps in relation to disability inclusive development, national efforts have progressed in these critical areas to promote inclusive societies.

15. The Meeting reaffirmed the importance of the right to high quality and accessible education for all in underpinning the region's achievement of sustainable development.

***Environmental Integrity* (Climate Change and Disaster Risk Reduction; Oceans and Integrated Oceans Management; Food Security; Sustainable Production and Consumption)**

16. In the context of implementation of the SAMOA Pathway, the Meeting highlighted the priorities for the region relating to climate change, disaster risk reduction and oceans, as enumerated in a number of global and regional declarations and strategies.

17. The Meeting noted the importance of reproductive, adolescence and maternal health platform for the implementation of strategies to enhance resilience.

18. The Meeting stressed with grave concern recent negative trends in carbon emissions and elevated adverse impacts of climate change and in this regard reaffirms that climate change is one of the greatest challenges of our time and poses an existential threat to some SIDS.

19. The Meeting further stressed that climate change exacerbates existing development challenges, and highlighted the emerging challenges, including climate induced migration and displacement. The Meeting underscored the importance of implementing the Paris Agreement on Climate Change.

20. The Meeting called for more effective action to build resilience to climate change and disasters, including slow onset disasters, in the region to complement broader efforts to build a stable and secure Pacific, including through full implementation of the Sendai Framework for Disaster Risk Reduction.

21. The Meeting stressed the importance of simplified processes to enhance direct access to climate finance, and exploring innovative sources of financing, for example blue and green bonds.

22. The Meeting reaffirmed the importance of ensuring a healthy productive and resilient Ocean, for both the region and the world, and highlighted efforts to harness the blue economy fisheries, in support of sustainable economic development and in light of the outcomes of The Ocean Conference held in June 2017.

23. The Meeting also took note of the need for the full implementation of the Global Action Programme on Food Security and Nutrition in SIDS launched in July 2017.

24. The Meeting acknowledged ongoing Intergovernmental Conference to develop a legally binding instrument elaborating BBNJ, and sought further support from Regional Organizations and relevant stakeholders including the United Nations System.

***Equitable Economic Growth* (Sustainable Transport; Communication and Technology; Sustainable Tourism; Sustainable Energy; Migration and Remittances)**

25. In the context of implementation of the SAMOA Pathway, the Meeting reaffirmed the special case for SIDS with regard to equitable and inclusive economic growth. The Meeting highlighted the need for widening economic opportunities for all including by addressing lack of access to financial services. The Meeting also acknowledged efforts to mainstream and strengthen linkages between national plans and budgets in support of sustainable development priorities.

26. Member States acknowledged national and regional efforts to address the challenges of connectivity, including through sustainable transport initiatives, and in this regard further attention should be given to integrating solutions on sustainable energy and climate resilience.

27. The Meeting recognized that growth in ICT connectivity is uneven across the Pacific Region and highlighted the opportunities provided by the recently established Technology Bank for LDCs and took note that the Bank will continue to provide its services to support LDC SIDS for a period of five years after graduation.

28. The Meeting underscored the cross-cutting and multi-sectoral nature of sustainable tourism and its potential as a main economic driver in SIDS. In this context Member States highlighted the importance of an integrated approach to achieving sustainable growth in the tourism sector.

29. The Meeting also noted the continued value of remittances to SIDS economies, and stressed the need to further reduce the transaction cost of remittances. Member States emphasized the need to enhance the productive use of remittances, as well as the need for continued support to address capital mobility, both domestic and international. The role of ICT in addressing this issue should be further strengthened.

30. The Meeting called for further progress on the implementation of the 2016 JIU recommendation for the United Nations inter-agency taskforce on financing for development to actively contribute to addressing the specificity of SIDS as a special case with tailor made solutions and should also ensure that new parameters of eligibility are designed for better access to financing for development for SIDS.

31. The Meeting recognised the ongoing discussions on the Global Compact on Migration and stressed the importance of the international community to take all necessary measures to address the drivers of climate change induced migration, through the mitigation of greenhouse gas emissions as well as the full financing of adaptation strategies in-country.

Means of Implementation **(Finance; Trade; Data and Statistics; Multi-stakeholder Coherence and Coordination Mechanisms)**

32. The Meeting acknowledged that science, technology and innovation are essential enablers and drivers for sustainable development.

33. The Meeting discussed the importance of enhancing access, modalities and partnerships for concessional finance for SIDS, and further underscored the need for strengthened international advocacy for the 'special case' of SIDS and the implementation of the SAMOA Pathway.

34. The Meeting called for a more strategic approach to enhancing trade and productive capacity in the region, and for trade to be linked more closely to poverty eradication and inclusiveness.

35. The Meeting recognized the importance of disaggregated data and statistics for evidenced-based policy-making, planning and reporting. The Meeting recognized the challenges of the region as it relates to statistical infrastructure, and that significant investments are needed to meet the data requirements for Pacific SIDS toward sustainable development priorities. The Meeting called for the United Nations system, to collect data from SIDS irrespective of size and in the least burdensome way in cooperation with regional organisations, to provide strengthened support for data collection and statistical analysis in accordance with national priorities. The Meeting also highlighted the importance of partnerships in this regard.

36. The Meeting underscored the need for greater presence of the UN Development System, and took note of the upcoming review of the Multi-Country Office (MCO) towards strengthening its impact in delivering on sustainable development and the need to ensure SIDS in the Pacific priorities are adequately reflected, and to that end, encourages the participation of those countries under the purview of these MCOs.

Session 3: Addressing Development Challenges through Partnerships

37. The Meeting discussed the key role of partnerships and multi-stakeholder engagement in the achievement of inclusive sustainable development in SIDS and welcomed the progress in the implementation of partnerships targeting the SIDS in the Pacific region.

38. The Meeting recognized that partnerships can bring ideas from the global level to the regions, and the meeting heard examples of partnerships that have been inspired by various UN initiatives. The Meeting also recognized that national and regional initiatives of the Pacific have inspired UN partnerships for SIDS.

39. The Meeting reconfirmed that partnerships require strong buy-in, ownership by local communities, based on accountability, mutual trust and national ownership. In addition, partnerships need to have clear objectives, strong coordination and governance mechanisms, long-term and sustained funding, encompass the notion of leaving no one behind, and engage all relevant stakeholders, including youth, women and civil society and education institutions/academic.

40. The meeting also discussed the importance of meaningful partnerships with the private sector and the potential to mobilize future partnerships to target under-addressed priorities in the Pacific.

41. The Meeting stressed the importance of further examining lessons learned from genuine and durable partnerships and main challenges in implementation, in order to improve the ongoing in-depth analysis of SIDS partnerships. The SIDS Action Platform should also clearly indicate the status of partnerships and archive those that are complete.

42. The meeting also discussed current partnership methodology at the global and regional levels and highlighted the need to distinguish partnerships from programmes and projects.

43. There is also a need to assess and strengthen the current processes related to the SIDS Partnership Framework in fulfilling its mandate of monitoring and reviewing existing partnerships, acting as a platform for stimulating the launch of new partnerships for SIDS, and ensuring an annual, action-oriented, results focused Global Multi-Stakeholder SIDS Partnership Dialogue.

44. The SIDS Partnership Framework should include SIDS partnerships from other processes, such as relevant voluntary commitments announced during the UN Ocean Conference, among others.

45. The meeting discussed the proliferation of stand-alone projects in the region and the challenges of coordination that stem therefrom. Furthermore, the Meeting stressed the importance of moving incrementally from stand-alone project-based support from partners, toward more program-based support, and also toward more sector budget support and general support as well as greater accountability through common assessment measures.

46. The Meeting also called for scaling up international cooperation, including North-South, South-South and triangular cooperation and especially cooperation among SIDS in the Pacific region through enhanced

knowledge sharing platforms, dissemination of best practices and strengthening peer-to-peer learning processes.

Session 4: Key regional priority areas for actions for accelerating the implementation of the SAMOA Pathway

47. The Meeting discussed the progress on the implementation of the priorities in the SAMOA Pathway and agreed to include in the Midterm Review the following key elements:

(i) Climate Change, Disaster Risk Reduction and Resilience Building
(ii) Conservation, protection, management and sustainable use of oceans, seas and their resources
(iii) Promote Sustainable transport and improve connectivity
(iv) Renewable energy and access to affordable energy
(v) Water and Sanitation, and sustainable management of waste including chemical and hazardous waste
(vi) Strengthen capacity for data collection and statistical analysis, the production of quality data and statistics including for research and development
(vii) Improved access to financing for development
(viii) Poverty eradication, equality and social inclusion, gender and disability
(ix) Non-communicable diseases and, reproductive adolescence and maternal health, food security and nutrition, sustainable consumption and production
(x) Sustainable tourism
(xi) SIDS Partnership Framework
(xii) Strengthening national and regional enabling mechanisms for SIDS sustainable development including an effective monitoring and accountability framework for the SAMOA Pathway

Session 5: Conclusions

48. The Meeting agreed that the 'Nuku'alofa Outcome Document' serves as the input of the Pacific region into the Interregional Preparatory Meeting to be held in Samoa from 30 October to 1 November, 2018. The Meeting also agreed that Member States would provide inputs to the draft Pacific Regional Report which was circulated by Tonga by 10 July 2018. The draft report will be revised based on these inputs and circulated to Member States by 31 July, 2018. The Secretariat will provide the summary of the meeting proceedings.

49. The Meeting expressed its appreciation to the UNOHRLLS, UNDESA and UNESCAP for their continued support to Pacific SIDS in the implementation of the SAMOA Pathway. The Meeting also thanked the regional organisations, partner agencies and stakeholders participating in the meeting for their contributions and for their continued support.

50. The Meeting expressed its gratitude and appreciation to the Government of the Kingdom of Tonga for its hospitality and for ably convening the Pacific Regional Preparatory Meeting for the Midterm Review of the SAMOA Pathway.

ENDS.

Nuku'alofa, Kingdom of Tonga, 21 June, 2018

Annex II

Participants List from the Pacific Preparatory Meeting for the Midterm Review of the SAMOA Pathway

FIRST NAME	FAMILY NAME	JOB TITLE	ORGANIZATION
SIDS in the Pacific Representatives			
Mr. Gene	Bai	First Secretary	Fiji Mission to the United Nations
Mr. Devid Ateti	Teaabo	High Commissioner	Kiribati
Mr. Tukabu	Tauati	Deputy Permanent Representative	Kiribati Mission to the United Nations
Ms. Amatlain	Kabua	Permanent Representative	Marshall Islands Mission to the United Nations
Mr. Benjamin	Graham	Chief Secretary	Marshall Islands
Mr. Jeem	Lippwe	Deputy Permanent Representative	Federated State of Micronesia Mission to the United Nations
Ms. Margo	Deiye	Counsellor	Nauru Mission to the United Nations
Ms. Enola	Edward	Second Secretary	Nauru Mission to the United Nations
Ms. Liluv	Itsimaera	Infrastructure Sector Planning & AID Division, Ministry of Finance	Nauru
Mr. Daniel	Zeleznik	Adviser	Nauru Mission to the United Nations
Mr. Raakook	Singeo	First Secretary	Palau Mission to the United Nations
Mr. Peseta Noumea	Simi	Chief Executive Officer, Ministry of Foreign Affairs and Trade	Samoa
Mr. Bismarck	Crawley	Chief Executive Officer, Ministry of Natural Resources and Environment	Samoa
Ms. Anne	Rasmussen	Assistant Chief Executive Officer, Ministry of Natural Resources and Environment	Samoa
Ms. Frances	Brown	Assistant Chief Executive Officer, Ministry of Natural Resources and Environment	Samoa

Ms. Ruth	Ueselani	Assistant Chief Executive Officer, Ministry of Natural Resources and Environment	Samoa
Ms. Vanda	Chan-Ting	Assistant Chief Executive Officer, Ministry of Natural Resources and Environment	Samoa
Mr. Dominic	Sofe	First Secretary	Samoa Mission to the United Nations
Mr. Samel	Wara	Director, Development Cooperation and NAO Division, Ministry of Development Planning and AID Cooperation	Solomon Islands
Ms. Fun Hà (Vicky)	Tchong	Director General, Ministry of Foreign Affairs and Cooperation	Timor Leste
Mr Samuel	Soares	Policy Officer of LDC and SIDS, Ministry of Foreign Affairs	Timor Leste
Ms. Sualua	Uluao	Administrative Officer, Monitoring, Evaluation and Coordination Department	Tuvalu
Mr. Sylvain	Kalsakau	Deputy Permanent Representative	Vanuatu Mission to the United Nations
Mr. Johnety	Jerette	Desk Officer, UN Division	Vanuatu

Kingdom of Tonga

Mr. Mahe	Tupouniua	Secretary for Foreign Affairs	Tonga
Mr. T. Suka	Mangisi	Deputy Permanent Representative	Tonga Mission to the United Nations
Mr. Samuelu	Laloniu		Tonga
Ms. 'Iliaisipa	'Alipate	Ministry of Foreign Affairs	Tonga
Ms. Ma'u	Leha	Office of the Prime Minister	Tonga
Ms. Ma'ata	Mafi	Office of the Prime Minister	Tonga
Mr. Othniel	Yila	National Climate Adviser, Ministry of Meteorology, Energy, Information, Disaster Management, Environment and Climate Change (MEIDECC)	Tonga

Mr. Lupe	Matoto	MEIDECC	Tonga
Mr. Tahiri	Hokafonu	MEIDECC	Tonga

Other Representatives

Ms. Lois	Young	Permanent Representative	Belize Mission to the United Nations
Mr. Micheal	Tierney	Counsellor	Ireland Mission to the United Nations
Ms. Rhona	McPhee	Deputy Head of Mission	Australian High Commission
Ms. Tiffany	Babington	High Commissioner	New Zealand High Commission
Ms. Elena	Procuta		New Zealand High Commission
Ms. Rachael	Pringle	Policy Officer	New Zealand High Commission
Ms. Marianne	Hagen	State Secretary	Norway
Ms. Gry	Henricksen	Deputy Director, Section for East Asia and Oceania, Ministry of Foreign Affairs	Norway
Mr. Odd-Inge	Kvalheim	Special Envoy, Section for East Asia and Oceania, Ministry of Foreign Affairs	Norway
Ms. Beate	Gabrielsen	First Secretary	Norwegian Embassy, Canberra
Dr. Edvard	Hviding	University of Bergen	Norway

United Nations

Ms. Fekitamoeloa	'Utoikamanu	USG and High Representative	UN-OHRLLS
Ms. Heidi	Schroderus Fox	Director	UN-OHRLLS
Ms. Tishka	Francis	Sustainable Development Officer	UN-OHRLLS
Ms. Shifaana	Thowfeequ	Programme Management Officer	UN-OHRLLS
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